



## CHAPTER xiv.

An Act to authorise the Plympton St. Mary Rural District Council to construct additional waterworks to confer further powers on the Council in regard to their water and electricity undertakings and to make further provision for the improvement health local government and finances of the rural district and for other purposes. [20th December 1945.]

**W**HEREAS the rural district of Plympton St. Mary in the county of Devon (in this Act referred to as "the district") is under the jurisdiction of the rural district council of Plympton St. Mary (in this Act referred to as "the Council"):

And whereas under the provisions of the Public Health Acts and the Plympton St. Mary Rural District Council Acts 1928 and 1933 and the Plympton St. Mary Order confirmed by the Ministry of Health Provisional Order Confirmation (Plympton St. Mary) Act 1936 the Council are supplying water within ten of the thirteen parishes within their limits for the supply of water:

18 & 19  
Geo. 5. c. xlv.  
23 & 24  
Geo. 5.  
c. lxxviii.  
26 Geo. 5. &  
1 Edw. 8.  
c. xcvi.

And whereas the existing sources of supply and the existing works of the Council are insufficient to satisfy the existing and growing demands upon the Council for water and it is expedient that the Council should be authorised to obtain a further supply of water from the river Erme and to acquire lands and to make and maintain the works described in this Act:

And whereas it is expedient that further powers should be conferred on the Council in respect of their water undertaking:

And whereas under and by virtue of the Plympton St. Mary Rural District Electricity Orders 1926 and 1939 the Council are the owners of the electricity undertaking in their district and are supplying electricity within thirteen of the fifteen parishes therein and it is expedient that further powers should be conferred upon the Council in respect of their electricity undertaking:

And whereas it is expedient that further and better provision should be made for the improvement health and local government of the district and that the powers of the Council in relation thereto should be enlarged as in this Act provided:

And whereas it is expedient that the provisions in regard to the finances of the Council which are contained in this Act should be made:

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:

And whereas estimates have been prepared for the purposes hereinafter mentioned and such estimates are as follows:—

	£
The purchase of lands and easements ...	1,500
The construction of the works authorised	
by this Act ... ..	188,750
Water mains ... ..	14,250

And whereas the several works included in such estimates are permanent works and it is expedient that the cost thereof should be spread over a term of years:

And whereas plans and sections showing the lines and levels of the works authorised by this Act and books of reference to such plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act have been deposited with the clerk of the county council of the administrative county of Devon which plans sections and books of reference are in this Act respectively referred to as the deposited plans sections and books of reference:

And whereas in relation to the promotion of the Bill for this Act the requirements of section 254 of the Local Government Act 1933 have been complied with:

23 & 24  
Geo. 5. c. 5.

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 Lord

Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows (that is to say):—

## PART I.

## PRELIMINARY.

1. This Act may be cited as the Plympton St. Mary Rural Short title. District Council Act 1945.

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

Division of  
Act into  
Parts.

Part I.—Preliminary.

Part II.—Lands.

Part III.—Waterworks.

Part IV.—Supply of water.

Part V.—Electricity.

Part VI.—Streets and buildings.

Part VII.—Sewers and drains.

Part VIII.—Infectious disease and sanitary provisions.

Part IX.—Human food.

Part X.—Public buildings parks and seashore.

Part XI.—Finance.

Part XII.—Miscellaneous.

3.—(1) 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 incorporated with this Act (namely):—

Incorporation  
of Acts.

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

(i) Sections 127 to 131 of the Lands Clauses Consolidation Act 1845 are not incorporated with this Act; 8 & 9 Vict. c. 18.

(ii) 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;

(b) The Waterworks Clauses Act 1847 with respect to the following matters (that is to say):— 10 & 11 Vict. c. 17.

The construction of waterworks;

Mines;

The breaking up of streets for the purpose of laying pipes;

PART I.  
—cont.

The provision for guarding against fouling the water of the undertakers;

26 & 27 Vict.  
c. 93.

(c) The Waterworks Clauses Act 1863 with respect to the security of the reservoirs constructed by the undertakers;

8 & 9 Vict.  
c. 20.

(d) The provisions of the Railway Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof and for the purposes of this Act such provisions shall have effect as if the works by this Act authorised were referred to instead of "the railway" and as if the centre lines of such works were referred to instead of "the centre of the railway."

(2) In the construction of the provisions of the Lands Clauses Acts the Waterworks Clauses Acts 1847 and 1863 and the Railways Clauses Consolidation Act 1845 incorporated with this Act the expressions "the promoters of the undertaking" "the undertakers" and "the company" mean the Council and the expression "the limits of the special Act" when used in the Waterworks Clauses Act 1847 shall mean the limits of supply as defined in this Act.

Interpreta-  
tion.

4. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith or by the Public Health Acts have the same respective meanings unless there be something in the subject or context repugnant to such construction.

And in this Act unless the subject or context otherwise requires—

"The Council" means the Plympton St. Mary Rural District Council;

"The district" means the rural district of Plympton St. Mary;

"The clerk" "the surveyor" "the medical officer" and "the sanitary inspector" mean respectively the clerk the surveyor the medical officer of health and any sanitary inspector of the district and respectively include any person duly authorised to discharge temporarily the duties of those officers;

"The water undertaking" means the water undertaking of the Council for the time being authorised;

"The water limits" means the limits within which the Council are for the time being authorised to supply water;

- “The electricity undertaking” means the electricity undertaking of the Council for the time being authorised;
- “The electricity limits” means the limits within which the Council are for the time being authorised to supply electricity;
- “The Lands Clauses Acts” means the Lands Clauses Acts as modified by the Acquisition of Land (Assessment of Compensation) Act 1919 and by this Act; 9 & 10 Geo. 5. c. 57.
- “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;
- “The Public Health Acts” means the Public Health Act 1875 and the Acts amending or extending that Act including the Public Health Act 1936; 38 & 39 Vict. c. 55.  
26 Geo. 5. &  
1 Edw. 8. c. 49.
- “The Act of 1928” means the Plympton St. Mary Rural District Council Act 1928;
- “The Act of 1933” means the Plympton St. Mary Rural District Council Act 1933;
- “War period” means the period for which the Emergency Powers (Defence) Act 1939 is in force; 2 & 3 Geo. 6. c. 62.
- “Daily penalty” means a penalty for each day on which an offence is continued by a person after conviction;
- “Statutory security” means any security in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust money and any mortgage bond debenture debenture stock stock or other security authorised by or under any Act of Parliament passed or to be passed of any county council or municipal corporation or other local authority as defined by section 34 (Definitions) of the Local Loans Act 1875 but does not include annuities rentcharges or securities transferable by delivery nor does it include with reference to the Council any securities of the Council; 38 & 39 Vict. c. 83.
- “Statutory borrowing power” means any power whether or not coupled with a duty of borrowing or continuing on loan or re-borrowing money or of redeeming or paying off or creating or continuing payment of or in respect of any annuity rentcharge rent or other security representing or granted in lieu of consideration money for the time being existing under any Act of Parliament public or local passed

PART I.  
—cont.

or to be passed or under any Provisional Order confirmed by Act of Parliament passed or to be passed or under any order or sanction of any government department made or given or to be made or given by authority of any Act of Parliament passed or to be passed;

“ Revenues of the Council ” means revenues of the Council as defined by section 218 of the Local Government Act 1933;

“ The general rate fund ” and “ the general rate ” mean respectively the general rate fund and the general rate of the district;

41 & 42 Vict.  
c. 76.

“ Telegraphic line ” has the same meaning as in the Telegraph Act 1878;

“ The Minister ” means the Minister of Health.

## PART II.

## LANDS.

Power to  
take lands.

5. Subject to the provisions of this Act the Council may enter upon take and use all or any of the lands shown on the deposited plans and described in the deposited book of reference which they may require for the purposes of this Act and the water undertaking.

Acquisition  
of easements.

6.—(1) The Council may in lieu of acquiring any lands for the purposes of the works authorised by this Act acquire such easements and rights only 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 restrictions subject to which the owners and occupiers may use the lands 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 except that no such easement or right shall be deemed to be part of a house or other building or manufactory within the meaning of section 92 of the Lands Clauses Consolidation Act 1845.

(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 the owners or occupiers for the time being shall be subject to such easements or rights and any other restrictions imposed upon the owners and occupiers have the same rights to use and cultivate the said lands at all times as if this Act had not been passed.

7.—(1) All private rights of way over any lands which the Council are authorised by 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.

PART II.  
—cont.

Extinction of private rights of way.

(2) Provided that the Council shall make full compensation to all parties interested in respect of any such rights and such compensation shall be settled in manner provided by the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement.

8.—(1) Notwithstanding anything contained in this Act or shown on the deposited plans the Council shall not purchase or take under the powers conferred by this Act any greater quantity of the common or commonable land than as stated in the following table (that is to say):—

Limiting quantity of common land to be taken.

1	2	3	4	5
Purposes for which land required.	Name by which the land is known.	Parish in which land is situate.	Quantity within limits of deviation shown on the deposited plans.	Estimated quantity to be taken.
Work No. 1	Harford Moor	Harford ...	A. R. P. 1 2 17	A. R. P. 1 0 9
Work No. 1	Stall Down	Cornwood ...	2 2 33	1 3 2
Work No. 2	Stall Down	Cornwood ...	23 2 36	Easement only. 7 2 0
Works Nos. 3 and 4 Subsidiary Works	Stall Down	Cornwood ...	4 1 0	4 1 0
Works Nos. 9 and 11	Stewarts Hill	Shaugh Prior	0 0 37	Easement only. 0 0 31
Work No. 10	Stewarts Hill	Shaugh Prior	0 2 20	0 2 20
Work No. 13	Heddon Waste	Cornwood ...	2 2 23	Easement only. 1 3 23
Work No. 14	Stewarts Hill	Shaugh Prior	0 2 21	Easement only. 0 1 31
Works Nos. 19, 21 and 22	Hanger Down	Cornwood ...	2 2 7	Easement only. 0 3 30
Work No. 20	Hanger Down	Cornwood ...	0 1 20	0 1 20

(2) The Council shall restore as far as practicable the surface of any common or commonable land disturbed during the construction of the conduits or lines of pipes authorised by this Act as soon as possible after the completion of such works.

9. At any time after notice to treat has been served for any land which the Council are by this Act authorised to purchase compulsorily the Council may after giving to the owner and occupier of the land not less than one month's

Further powers of entry.

PART II.  
—cont.

notice enter on and take possession of the land or such part thereof as is specified in the 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.

Period for  
compulsory  
purchase of  
lands.

10. The powers of the Council for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the first day of October nineteen hundred and forty-five or two years after the termination of the war period whichever is the later.

Power to  
enter property  
for survey  
and valuation.

11. 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 in writing 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 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.

Compensation  
in case of  
recently  
acquired  
interest.

12. For the purposes of determining any question of disputed compensation payable in respect of lands taken under the powers 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 November nineteen hundred and forty-four 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.

Persons under  
disability  
may grant  
easements.

13. 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 Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in that behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.



14.—(1) The Council may (so far as they consider necessary) apply subject to the approval of the Minister any capital moneys received by them on the re-sale or exchange of or by leasing any lands acquired under the authority of this Act or any other Act in the purchase of other lands but as to capital moneys so received and not so applied the Council shall apply the same in or towards the extinguishment of any loan raised by them under the powers of this Act or any other Act and such application shall be in addition to and not in substitution for any other mode of extinguishment of such loan except to such extent and upon such terms as may be approved by the Minister.

PART II.  
—cont.  
Proceeds of  
sale of surplus  
lands.

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

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

Houses for  
persons in  
employment of  
Council.

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

16. Subsection (1) of section 24 (Power to retain sell etc. lands) of the Act of 1928 shall be read and have effect as though the words "general or local Act for the time being in force in the district (other than the Housing Act 1936 or any Act repealed by that Act)" had been substituted for the words "other Act or Order relating to the water undertaking" and as if the following additional proviso had been inserted to the subsection (namely):—

Amendment  
of section 24  
of Act of 1928.

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

17.—(1) The Council notwithstanding that the same may not be immediately required may by agreement purchase or acquire or take on lease and hold any lands which in their

Further  
powers for  
acquisition  
of lands.

PART II.  
—cont.

opinion it is desirable that the Council should acquire for or in connection with the purposes of any of their undertakings powers or duties or for the benefit improvement or development of the district.

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

Powers with  
reference to  
leases of lands.

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

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

## PART III.

## WATERWORKS.

Power to  
make water-  
works.

19. Subject to the provisions of this Act the Council may make and maintain in the lines and situations and according to the levels shown upon the deposited plans and sections and upon the lands delineated on those plans and described in the deposited book of reference the following works in the district (namely):—

Work No. 1 An intake and weir in the parishes of Harford and Cornwood to be constructed across the river Erme at a point 7 chains or thereabouts measured in a direct line in a southerly direction from the confluence of that river with the Left Lake;

In the parish of Cornwood—

Work No 2 A conduit or line or lines of pipes (No. 1) commencing in Work No. 1 and terminating in Work No. 3 hereinafter described;

Work No. 3 A tank or service reservoir (No. 1) in the enclosure known as New Waste No. 452 on the 1/2500 Ordnance map Devonshire sheet CXIX.6 (edition of 1906);

Work No. 4 A tank or service reservoir (No. 2) in the said enclosure No. 452;

Work No. 5 A waste-water conduit or line or lines of pipes commencing in Work No. 3 and terminating in the stream known as Redaven Gulf at a point 3 chains or thereabouts measured along the course of the said stream in a south-westerly direction from the point where the said stream enters the enclosure known as New Waste;

Work No. 6 An approach road commencing at a point 3 chains or thereabouts measured in a south-easterly direction from the south-eastern end of Work No. 3 and terminating in the public road from Tor at the point where such road enters the enclosure known as New Waste;

Work No. 7 A conduit or line or lines of pipes (No. 2) commencing in Work No. 3 and terminating in the village of Cornwood by a junction with Works Nos. 8 and 19 hereinafter described;

Work No. 8 A conduit or line or lines of pipes (No. 3) commencing at the termination of Work No. 7 and terminating by a junction with Works Nos. 9 and 13;

In the parishes of Cornwood Plympton St. Mary and Shaugh Prior—

Work No. 9 A conduit or line or lines of pipes (No. 4) commencing by a junction with Work No. 8 and terminating in Work No. 10 hereinafter described;

In the parish of Shaugh Prior—

Work No. 10 A tank or service reservoir (No. 3) on unenclosed land known as Stewarts Hill 6 chains or thereabouts measured in a direct line in a south-easterly direction from the north-east angle of the enclosure numbered 940 on the 1/2500 Ordnance map Devonshire sheet CXVIII.7 (edition of 1906);

Work No. 11 A conduit or line or lines of pipes (No. 5) commencing in Work No. 10 and terminating by a junction with Works Nos. 12 and 14 in the public road from Leemoor to Shaugh Prior 5 chains or thereabouts measured in a direct line in a south-westerly direction from Work No. 10;

PART III.  
—cont.

Work No. 12 A conduit or line or lines of pipes (No. 6) commencing by a junction with Work No. 11 and terminating in the village of Shaugh Prior 3.33 chains or thereabouts west from St. Edward's Church;

In the parishes of Cornwood and Plympton St. Mary—

Work No. 13 A conduit or line or lines of pipes (No. 7) commencing at the junction of Works Nos. 8 and 9 and terminating in the existing Houndall reservoir of the Council;

In the parish of Shaugh Prior—

Work No. 14 A conduit or line or lines of pipes (No. 8) commencing at the termination of Work No. 11 and terminating by a junction with Works Nos. 15 and 16 hereinafter described at their points of commencement;

Work No. 15 A conduit or line or lines of pipes (No. 9) commencing at the termination of Work No. 14 and terminating by a junction with the existing main of the Council in the public road leading from Leemoor to Plympton;

Work No. 16 A conduit or line or lines of pipes (No. 10) commencing at the termination of Work No. 14 and terminating in Work No. 17 hereinafter described;

Work No. 17 A tank or service reservoir (No. 4) in the enclosures Nos. 468 and 460 on the 1/2500 Ordnance map Devonshire sheet CXVIII.11 (edition of 1906);

In the parishes of Shaugh Prior and Plympton St. Mary—

Work No. 18 A conduit or line or lines of pipes (No. 11) commencing in Work No. 17 and terminating in the existing mains of the Council in the Plympton-Leemoor road at Colebrook;

In the parish of Cornwood—

Work No. 19 A conduit or line or lines of pipes (No. 12) commencing at the termination of Work No. 7 and terminating in Work No. 20 hereinafter described;

Work No. 20 A tank or service reservoir (No. 5) on the waste or common known as Hanger Down numbered 599 on the 1/2500 Ordnance map Devonshire sheet CXIX.14 (edition of 1905) 2 chains or thereabouts measured in a direct line in a north-westerly direction from the north-eastern angle of the enclosure numbered 1235 on the said Ordnance map;

Work No. 21 A waste water conduit or line or lines of pipes commencing in Work No. 20 and terminating in an unnamed stream at a point 6.66 chains or thereabouts measured in a direct line in a south-westerly direction from Pithill Farmhouse;

In the parishes of Cornwood Ivybridge and Ermington—

Work No. 22 A conduit line or lines of pipes (No. 13) commencing in Work No. 20 and terminating in the existing mains of the Council in the public road leading from Ivybridge to Plymouth at its junction with Gipsy Lane.

20. Subject to the provisions of this Act the Council may upon the lands for the time being belonging to them in connection with the water undertaking— Subsidiary and additional works.

(a) make and maintain all such cuts channels wells adits catchwaters pump-houses tunnels pipes conduits culverts drains sluices bye-washes shafts watertowers overflows waste-water channels gauges filter-beds reservoirs tanks banks walls bridges roads ways embankments piers approaches buildings telegraphic telephonic and other means of communication rails plates sleepers sidings stations depots platforms sheds cranes engines machinery and appliances as may be necessary or convenient for the purposes of the water undertaking; and

(b) execute for the purposes of the water undertaking or in connection therewith any of the works and exercise any of the powers mentioned in or conferred by section 12 of the Waterworks Clauses Act 1847;

but the Council shall not under the powers of this section create or permit the creation or continuance of any nuisance on any such lands.

21. In the construction of the works authorised by this Act the Council may deviate laterally to any extent within the limits of deviation shown on the deposited plans and where on any road no such limits are shown the boundaries of the road (including for this purpose any roadside waste forming part of or adjoining the road) shall be deemed to be such limits and they may also deviate vertically from the levels shown on the deposited sections to any extent: Limits of deviation.

Provided that no embankment for a reservoir shall be constructed at any greater height above the general surface of the ground than that shown on the deposited sections and six feet in addition thereto:

Provided also that except for the purpose of crossing over a river stream canal dyke watercourse or railway no part of the

PART III.  
—cont.

lines of pipes authorised by this Act shall be raised above the surface of the ground unless and except so far as is shown on the deposited sections.

Works to form part of water undertaking.

22. Subject to the provisions of this Act the works authorised by this Act shall for all purposes whatsoever form part of and be comprised in the water undertaking.

Period for completion of works.

23. If the works authorised by this Act and shown upon the deposited plans and sections other than Work No. 4 are not completed on or before the first day of October nineteen hundred and fifty-five or eight years after the termination of the war period whichever is the later and if the said Work No. 4 is not completed within ten years after either of the said dates whichever is the later then as from that date the powers by this Act granted for the making thereof or otherwise in relation thereto shall cease except as to such of them or so much thereof respectively as shall then be completed:

Provided that the Council may extend enlarge alter reconstruct renew or remove any of the said works and in the case of the lines of pipes lay down additional lines of pipes as and when occasion may require.

Power to take waters.

24. Subject to the provisions of this Act the Council may collect impound take use divert and appropriate for the purposes of the water undertaking the waters of the river Erme and the several feeders and tributaries thereof which may be intercepted by means of the intake (Work No. 1) authorised by this Act.

Restrictions on taking water from river Erme.

25. (1) (a) The Council shall not take any water from the river Erme by means of Work No. 1 by this Act authorised so as to reduce the quantity of water passing down the river immediately below the said Work No. 1 to less than a rate of nine hundred and thirty-six thousand gallons during each and every day of twenty-four hours reckoned from midnight upon which water is abstracted which quantity of water shall be known as the prescribed flow.

(b) The Council shall not in any one day of twenty-four hours reckoned from midnight upon which water is abstracted take from the said river Erme a total greater quantity of water than two million gallons.

(c) For the purpose of measuring the quantity of water taken by the Council from time to time under the provisions of this Act from the river Erme and for the purpose of measuring the quantity of water which by this section the Council are required to permit to pass down the said river the Council shall before taking diverting or appropriating any such water erect and maintain at or near Work No. 1 by this Act

authorised an approved gauge and recorder to gauge the flow of the river over or through which the water so taken diverted or appropriated and the water so flowing shall pass and while the flow of water through or over the gauge is less than the specified rate they shall not take any water.

(2) If the Council—

(i) fail to construct or maintain in good order any such gauge or recorder as aforesaid or refuse to allow any person interested to inspect and examine any such gauge or recorder or any records made thereby or kept by them in connection therewith or to take copies of any such records; or

(ii) take any water contrary to the provisions of this section;

they shall without prejudice to their civil liability if any to a person aggrieved be liable on summary conviction in the case of an offence under paragraph (c) of subsection (1) of this section to a fine not exceeding ten pounds and in the case of an offence under paragraphs (a) and (b) of subsection (1) of this section to a fine of not exceeding twenty pounds in respect of each day on which the offence has been committed or has continued and shall in addition make compensation for any loss or injury sustained by any such person.

(3) In this section the expression “gauge” includes a gauge weir or other apparatus for measuring the flow of water and the expression “approved” means approved by the Minister and for the purposes of this section a catchment board a fishery board a rivers board and a navigation authority shall be deemed to be interested in the flow of water in and the discharge of water into any stream within their area or district or as the case may be any part of their system of navigation and shall be deemed to be aggrieved by the commission of an offence under this section in relation to any such stream.

(4) Subject to the provisions of section 5 of the Criminal Justice Administration Act 1914 any fine recovered under this section on the complaint of a fishery board or of an officer of or person authorised by a fishery board shall as to the whole or such part thereof as the court may determine be paid to the board in respect of the costs of the prosecution.

26. Section 11 (Byelaws for preventing pollution of water) of the Act of 1928 as amended by subsection (2) of section 5 of the Plympton St. Mary Order confirmed by the Ministry of Health (Plympton St. Mary) Provisional Order Confirmation Act 1936 shall apply to the works authorised by this Act and such byelaws shall be in force within the parishes of

Amendment  
of section 11  
of Act of 1928.

PART III.  
—cont.

Cornwood and Harford in the district and the parishes of Ugborough and South Brent in the Totnes rural district and the parish of Lydford in the Tavistock rural district or within so much of those parishes as may be defined in the bye-laws.

Temporary  
stoppage  
of streets.

27.—(1) The Council during and for the purpose of the execution of the works authorised by this Act or during the exercise by the Council of the powers of section 119 of the Public Health Act 1936 may temporarily stop up divert and interfere with any street and may for any reasonable time divert the traffic therefrom and prevent all persons other than those bona fide going to or from any land house or building in the street from passing along and using the same.

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

(3) The Council shall at all times during the execution of any such work maintain a reasonably sufficient access both for vehicular and pedestrian traffic bona fide going to or from any railway station or depot in the neighbourhood of the street.

Sheep  
dipping and  
washing.

28.—(1) If in the opinion of the Council it shall be expedient in order to preserve the purity of the waters which they are by this Act authorised to take to prohibit the dipping or washing of sheep (with or without the use of chemicals) in any such waters the Council shall have power to prohibit such dipping or washing of sheep:

Provided that before the Council carry this provision into effect in respect of any place where it has been the practice to dip or wash sheep they shall provide and maintain in the nearest convenient and available situation another suitable dipping or washing place and also a suitable folding place in the vicinity thereof.

(2) Any person aggrieved by any prohibition issued by the Council under this section may within three months after the issue thereof appeal to a court of summary jurisdiction held for the petty sessional division in which the prohibition is to take effect provided that he gives not less than fourteen days' notice of the appeal and of the grounds thereof to the Council.

(3) On any such appeal the court shall have power to cancel the prohibition or to allow the prohibition unconditionally or subject to such conditions as to the area within which it shall take effect or as to the provision and maintenance of another suitable dipping or washing place or otherwise as they may think fit and to award costs which costs shall be recoverable summarily as a civil debt.



29. The provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets shall apply with the necessary modifications to the construction laying down erection and maintenance in any streets of the lines of pipes authorised by this Act and of any discharge pipes telephone or telegraph posts wires conductors or apparatus which the Council may erect or lay down for the purposes of the water undertaking:

PART III.  
—cont.  
Application  
of Waterworks  
Clauses  
Act 1847.

Provided that the Council shall not construct lay down erect and maintain any discharge pipes telephone or telegraph posts wires conductors or apparatus in through across or under any road or bridge or approach belonging to or maintainable by any railway company except with the consent in writing of such railway company which consent shall not be unreasonably withheld and under the superintendence (if given) and to the reasonable satisfaction of the engineer of such railway company.

30. Any telephone or telegraph posts wires conductors or apparatus or other means of communication made erected laid down or maintained by the Council under the provisions of this Act shall not be used for the transmission of any telegram which is within the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869 or be installed or worked in contravention of the Wireless Telegraphy Acts 1904 to 1926 or any statutory re-enactment or modification thereof and shall be so constructed maintained and used as to prevent interference with any telegraphic line belonging to or used by the Postmaster-General or with telegraphic communication by means of any such line.

For protection  
of  
Postmaster-  
General.

32 & 33 Vict.  
c. 73.

31. For the protection of Portals (John Allen & Sons) Limited or other the owner or owners for the time being of the Stowford Mills so long as such mills are used as paper mills (hereinafter called "the owners") the following provisions shall unless otherwise agreed in writing between the Council and the owners apply and have effect (that is to say):—

For protection  
of Portals  
(John Allen &  
Sons)  
Limited.

(1) If the owners construct and maintain—

(a) a gauge for measuring the flow of water along the river Erme when such flow does not exceed a rate of eight million gallons in a period of twenty-four hours (hereinafter referred to as "gauge No. 1") to be situate on that river at a point upstream of the weir by which water is diverted into the mill leat for the supply to Stowford Mills together with an automatic recording apparatus thereon recording the flow of water passing over or through gauge No. 1 and (subject to subsection (6) (b) of this section) with auto-

PART III.  
—cont.

matic electric transmission gear whereby the flow of water from time to time and at any time may be read ascertained and recorded in the filter-house to be constructed by the Council adjoining the reservoirs Works Nos. 3 and 4 authorised by this Act; and

(b) a gauge for measuring the flow of water along the Stowford Potwater leat (hereinafter referred to as "gauge No. 2") to be situate on that leat at the nearest convenient point to the said mill leat;

the Council shall not take any water from the river Erme by means of the intake (Work No. 1) by this Act authorised so as to reduce the total flow of water passing over or through gauges No. 1 and No. 2 to less than two million two hundred thousand gallons in any day of twenty-four hours measured from midnight to midnight:

- (2) Gauges No. 1 and No. 2 and the construction and the sites thereof together with the said automatic recording apparatus and the said automatic electric transmission gear and the position of the cubicle to be installed in connection therewith shall be subject to the reasonable approval of the Council and such gauges and the automatic recording apparatus connected therewith shall be maintained so that the total flow of the river Erme up to a rate of eight million gallons in a period of twenty-four hours and of the said Potwater leat shall pass over or through the said gauges and be recorded accordingly:

Provided that if the Council neglect or refuse to notify to the owners their approval or disapproval of the designs of the said gauges and the sites thereof and automatic recording apparatus and automatic electric transmission gear and the position of the said cubicle within a period of thirty days after the submission to them by the owners of plans showing the same they shall be deemed to have approved of the said designs and sites and if the Council neglect or refuse to notify to the owners their approval or disapproval of the construction of the said gauges automatic recording apparatus and automatic electric transmission gear within twenty-one days after notice of the completion thereof they shall be deemed to have approved of such construction:

- (3) Gauge No. 1 shall comprise a rectangular notch together with a right-angle Vee notch sunk beneath

the sill of the rectangular notch and of such dimensions as when the flow of the river Erme does not exceed a rate of two million two hundred thousand gallons a day at gauge No. 1 no water shall be flowing over the rectangular portion thereof:

- (4) Gauge No. 2 shall be a Vee notch capable of passing when fully filled a flow at the rate of one hundred and seventy thousand gallons per day of twenty-four hours:
- (5) The owners shall at all reasonable times if and when desired by the Council communicate to the authorised representative of the Council at the said filter-house the flow of water which at that time is passing over and through gauge No. 1 and gauge No. 2 or either of them:
- (6) (a) The Council shall pay to the owners one moiety of the cost of the construction and maintenance of gauges No. 1 and No. 2 and of the said recording apparatus at gauge No. 1 and at the filter-house of the Council adjoining the reservoirs Works Nos. 3 and 4 authorised by this Act together with the said transmission gear from gauge No. 1 to the said filter-house;
- (b) If so requested by the owners the Council will provide and maintain the said transmission gear and the owners shall pay the Council one moiety of the cost whether by way of a capital sum or rental of its provision and maintenance;
- (c) In the event of the Council providing the said transmission gear under the last preceding paragraph of this subsection the construction thereof and the position of the said cubicle shall be subject to the reasonable approval and inspection of the owners in the same manner and under the same conditions *mutatis mutandis* as are enacted in subsections (2) and (7) of this section respectively in relation to the construction of the said transmission gear by the owners:
- (7) During the construction of gauges No. 1 and No. 2 the said recording apparatus and the said transmission gear and after the completion thereof the owners shall at all reasonable times allow the Council or their officers and servants (duly authorised by the Council in that behalf) to inspect the same and the materials to be used therein for the purpose of ascertaining whether they are being constructed and maintained in accordance with the provisions of this section:

PART III.  
—cont.

- (8) The owners shall at the instance and request of the Council take proceedings against any person wrongfully abstracting water from the river Erme between the intake and the Stowford Mills and the Council shall indemnify the owners against the costs incurred by them in so doing:
- (9) Any difference arising between the Council and the owners respecting any matter referred to in this section shall be referred to and determined by arbitration in manner in this Act provided.

For protection  
of Great  
Western  
Railway  
Company.

**32.** For the protection of the Great Western Railway Company (hereinafter referred to as "the company") the following provisions shall unless otherwise agreed in writing between the company and the Council apply and have effect (that is to say):—

- (1) Work No. 19 (a conduit or line or lines of pipes No. 12) and Work No. 22 (a conduit or line or lines of pipes No. 13) or any other conduit or pipe laid under the powers of this Act if carried under the railway of the company shall for their entire length across the said railway be laid and carried by means of a steel or iron pipe founded on and surrounded by portland cement concrete so that no part thereof shall be less than three feet below the level of the rails of the said railway at the point or points of crossing:
- (2) In constructing the said works at the said point or points of crossing and in constructing laying down and executing and also (except in cases of emergency) in effecting the repair or renewals of any work of the Council by this Act authorised which may in any way affect the railway or works of the company 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 chief engineer of the company (hereinafter called "the 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 and (except in cases of repair) according to plans sections and particulars to be submitted to and reasonably approved by the engineer before any such works shall be executed. Provided that if the engineer shall not signify his approval or disapproval of such plans sections and particulars within twenty-eight days after they shall have been submitted to him he shall be deemed to have approved thereof:

- (3) The Council shall restore and make good to the reasonable satisfaction of the engineer the railway and works of the company and the roads which the company are liable to maintain over or under any bridge crossing or spanning such railway or the approaches to such bridge so far as the same may be disturbed or interfered with by or owing to any of the operations of the Council:
- (4) If the company so elect they may themselves execute and maintain the works (other than the actual laying down and maintenance of the pipes) and may recover the reasonable costs 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 company in and about the works):
- (5) All such works shall be constructed executed and maintained so as to cause as little injury as may be to the railway or works of the 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 such works or if any bursting leakage or failure of the works of the Council under or near to the railway or works of the company (not being due to any act or default of the 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 engineer and the Council shall be responsible for and save harmless and indemnify the company from all claims in respect of any such injury or interruption and shall make compensation to the company for and in respect thereof including any compensation payable as aforesaid and compensation for any disturbance of traffic which the construction or maintenance of the said works may entail:
- (6) In the event of the Council failing to make good such injury as aforesaid or failing to maintain all such works (where they pass under or over or in any way affect the railway or works of the company) in substantial repair and good order to the reasonable satisfaction in all respects of the engineer or in case of emergency the company 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

PART III.  
—cont.

things as may be reasonably requisite for the purpose and recover the reasonable expense thereof (including compensation payable as aforesaid) from the Council:

- (7) If it should be necessary during the construction of any works authorised by this Act or by reason of the existence of the same to alter any of the telegraph telephone or signal posts or wires or other work or apparatus belonging to or on the railway of the company the 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 Act acquire compulsorily any lands of the company save and except that the Council may acquire and the company on being required so to do by the Council shall grant to the Council such a right or easement as may be necessary to enable the Council to construct and maintain Work No. 19 and Work No. 22 by this Act authorised under or across the railway of the company and the Council shall pay to the company for any right or easement which they may so require the company to grant such sum as may be agreed upon or failing agreement as shall be settled by arbitration in manner provided by the Lands Clauses Acts with respect to the acquisition of lands otherwise than by agreement:
- (9) The Council shall bear and on demand pay to the company the reasonable expense (including compensation payable as aforesaid) of the employment by them during the construction and maintenance of any works under the powers of this Act under or across or in any way affecting the railway of the company of such signalmen or watchmen to be appointed by the 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 construction 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:
- (10) If the 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 or under which any of the works of the Council may have been constructed or laid the company may after giving to the Council twenty-eight 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 said works of the Council across over or under their 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 supply of water 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 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:

- (11) Nothing in this section shall prejudice alter or affect the rights of the company or the Council under any agreement between them relating to the mains pipes or other works of the Council and where the provisions of such agreement are inconsistent with the provisions of this section the provisions of the said agreement shall apply:
- (12) Except as in this section otherwise expressly provided any difference arising between the Council and the company respecting any of the matters referred to in this section shall be referred to and determined by arbitration in manner in this Act provided.

33. For the protection of the county council of the administrative county of Devon (in this section referred to as "the county council") the following provisions shall unless otherwise agreed in writing between the county council and the Council apply and have effect with respect to the exercise by the Council of the powers of this Part of this Act in regard to the construction of conduits or line or lines of pipes and other works authorised by this Part of this Act in so far as the same affect any county road or county bridge (that is to say):—

For protection  
of Devon  
County  
Council.

(1) In this section—

"the county surveyor" means the county surveyor to the county council for the time being;

PART III.  
—cont.

“ The Act of 1847 ” means the Waterworks Clauses Act 1847:

- (2) The notice required by section 30 of the Act of 1847 to be given to the county council shall (except in cases of emergency) be not less than seven clear days instead of three clear days:
- (3) The plan required by section 31 of the Act of 1847 shall if so requested by the county council be accompanied by a section and description of the proposed works and shall (except as aforesaid) be delivered to the county surveyor by the Council not less than fourteen days before the Council commence to interfere with any county bridge or to open or break up any county road for the purpose of executing the works. If the county surveyor shall not within fourteen days after the plan section and description shall have been delivered to him express approval or disapproval thereof or signify the requirements of the county council in relation thereto the county council shall be deemed to have approved thereof:
- (4) Nothing in this Act shall authorise the Council to interfere with the structural part of any county bridge without the consent in writing of the county surveyor but such consent shall not be unreasonably withheld and may be given upon such conditions as the county surveyor may reasonably determine:
- (5) Subject to the provisions of the section of this Act whereof the marginal note is “ Temporary stoppage of streets ” all works authorised by this Part of this Act shall be so executed by the Council as not unreasonably to impede or interfere with the traffic on any county road or over any county bridge:
- (6) The Council shall not construct any tank or service reservoir authorised by this Part of this Act or any addition or alteration thereto nearer to the centre of any county road adjoining the site of any such works than the following distances (that is to say):—
 

Class I roads	...	...	...	...	100 feet
Class II roads	...	...	...	...	75 feet
Unclassified roads	...	...	...	...	50 feet
- (7) Any difference which may arise between the county council and the Council under this section shall be referred to and determined by a single arbitrator to be appointed on the application of either party (after notice in writing to the other) by the President of the Institution of Civil Engineers and subject as aforesaid the Arbitration Acts 1889 to 1934 shall apply to any such determination.



## PART IV.

## SUPPLY OF WATER.

34. Subsection (1) of section 30 (Supply of water to houses partly used for trade etc.) of the Act of 1928 shall be read and have effect as if the word "twelve" had been substituted for "twenty" and as if the following words had been added thereto "or (e) any farmhouse." Amendment of section 30 of Act of 1928.

35. Where a person who takes a supply of water for domestic purposes desires to use water for a swimming bath or bathing pool the Council may require that all water required for such swimming bath or bathing pool shall be taken by meter. Supplies to swimming baths and bathing pools.

36. The Council may agree with the owner or occupier of any premises within the water limits who is not entitled to demand a supply of water from the Council to extend their mains to or over the property of such owner or occupier or to supply such premises with water in either case upon such terms as may be agreed and may recover from such owner or occupier any sum or sums of money agreed to be paid in respect of such supply in the same manner as water rates are recoverable by them. Agreements as to supply of water in certain cases.

37.—(1) Notwithstanding anything in any enactment relating to the Council no person shall be entitled to demand a supply of water from a trunk main belonging to the Council. As to supplies from trunk mains.

(2) In this section the expression "trunk main" means a main constructed for the purpose of conveying water from a source of supply to a filter or reservoir or from one filter or reservoir to another filter or reservoir or for the purpose of conveying water in bulk from one part of the water limits to another part of those limits or for the purpose of giving a supply of water in bulk to other undertakers.

38. Where two or more houses or buildings or parts of one or more houses or buildings connected by any internal means of communication or by any bridge subway yard or passage not being a public highway are in the occupation of one and the same company body firm or person they shall if the Council so decide be deemed for the purposes of determining the amount of the water rate chargeable by the Council in respect of any supply of water for domestic purposes furnished by the Council to such houses or buildings or parts thereof (being in such single occupation as aforesaid) to be one tenement having a gross value (within the meaning of the section of the Act of 1928 of which the marginal note is "Rates for supply of water for domestic purposes") equal to the aggregate gross values of the separate houses or buildings or parts of houses or buildings so occupied. As to gross value of two or more houses in one occupation.

PART IV.  
—cont.  
Amendment of  
section 48 of  
Act of 1933.

39.—(1) Section 48 (Stopcocks to be fitted to communication pipes) of the Act of 1933 shall be read and have effect as though the following subsections had been inserted therein namely:—

“(2) Every stopcock fitted on a communication or service pipe in pursuance of this section shall be placed in such position as the Council deem most convenient:

Provided that—

(a) a stopcock in a street shall after consultation with the highway authority concerned be placed as near to the boundary thereof as is reasonably practicable; and

(b) a stopcock in private premises shall be placed as near as is reasonably practicable to the street from which the service pipe enters those premises.

(3) “Where any person has covered over or otherwise obstructed the access to any stopcock or has caused or permitted any stopcock to be covered over or the access thereto to be obstructed the expense incurred by the Council of uncovering the stopcock or removing the obstruction shall be paid to the Council by that person and may be recoverable by them as water rates are recoverable”.

Power for  
Council to test  
water fittings.

40. The Council may test any water fittings used in connection with water supplied by them.

Charges for  
special  
readings of  
meters.

41. When at the request of and for the convenience of any consumer the reading of any meter in any premises takes place at a time other than that of the usual periodical reading the Council may levy and recover such charges as they think fit to cover the expenses involved not exceeding two shillings and sixpence.

Failure of  
meters to  
register.

42. If any meter used by a consumer ceases to register the quantity of water consumed at any premises such cesser shall be deemed in the absence of evidence of any other date to have arisen immediately after the last reading of the meter:

Provided that if the Council and the person to whom the water is supplied differ as to the quantity consumed such difference shall be determined on the application of either party by a court of summary jurisdiction who may also order by which of the parties any costs of the proceedings before them shall be paid and the decision of such court shall be final and binding on all parties.

PART IV.  
—cont.

43. The Council may make a reasonable charge for turning off and turning on the supply of water to any house the occupier of which without giving up possession shall give notice for the discontinuance of the supply and shall afterwards require the supply to be reconnected within a period of nine months and such charge may be recovered by the Council summarily as a civil debt.

Power to recover charge for turning off and turning on in certain cases.

44. Where any dwelling-house or other building is demolished or appears to the Council to be uninhabitable and the Council have reason to think that waste of water is occurring or is likely to occur they may cut off the communication pipe by which water was supplied to such dwelling-house or building.

Cutting off communication pipes to prevent waste of water.

45.—(1) An owner or occupier of premises supplied with water by the Council who without their consent supplies any of that water to another person for use in other premises or wilfully permits another person to take any of that water for use in other premises shall be liable to a fine not exceeding five pounds unless that other person requires the water for the purpose of extinguishing a fire or is a person supplied with water by the Council but temporarily unable through no default of his own to obtain water.

Penalties for misuse of water.

(2) If a person wrongfully takes uses or diverts water from a reservoir watercourse conduit or pipe belonging to the Council or from a pipe leading to or from any such reservoir watercourse conduit or pipe or from a cistern or other receptacle containing water belonging to the Council or supplied by them for the use of a consumer of water from the Council he shall be liable to a fine not exceeding five pounds.

(3) Any person who takes from the Council a supply of water otherwise than by meter and uses any water so supplied to him for a purpose other than a purpose for which he is entitled to use it shall be liable to a fine not exceeding forty shillings but without prejudice to the right of the Council to recover from him the value of the water misused.

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

As to recovery summarily of sums due for fittings.

47. The Council with the consent of the Minister may enter into and carry into effect agreements with any local authority body company or person for the supply of water beyond the

Contracts for supplying water in bulk.

PART IV.  
cont.

water limits to any such body company or person respectively in bulk for any purpose and for such remuneration and on such terms and conditions and for such period as may be agreed upon :

Provided that such supply shall not be given except with the consent of any authority body company or person supplying water under parliamentary authority within the area to be supplied and of the local authority of the district comprising that area nor if and so long as such supply would interfere with the supply of water within the water limits.

## PART V.

## ELECTRICITY.

Acquisition of  
land for  
sub-stations.

48. The Council may be authorised from time to time to purchase compulsorily land within the electricity limits for the purpose of the erection thereon of a station for transforming converting or distributing electricity by means of a compulsory purchase order made by the Council and submitted to the Minister of Fuel and Power and confirmed by him and subject to the provisions of this section sections 161 162 174 and 175 of the Local Government Act 1933 and the Sixth Schedule to that Act shall with any necessary modifications and with the substitution of the Minister of Fuel and Power for the Minister apply in relation to a compulsory purchase order made under this section as they apply to a compulsory purchase order made under Part VII of that Act Provided that anything which under the Local Government Act 1933 has to be prescribed shall for the purposes of this section be prescribed by the Minister of Fuel and Power in such manner as he may think fit:

Provided also that the restrictions contained in paragraphs (a) (b) and (c) of section 179 of the Local Government Act 1933 shall apply to any compulsory purchase order made under this section:

Provided also that any such certificate as is referred to in subsection (2) of section 174 of the Local Government Act 1933 shall be given (in the case of a common or an allotment) by the Minister of Agriculture and Fisheries and (in the case of an open space not being a common or an allotment) by the Minister of Town and Country Planning and the proviso to the said subsection (2) shall have effect accordingly.

Further  
provisions as  
to wayleaves.

9 & 10 Geo. 5.  
c. 100.

49. The Council may agree with the owner or occupier of any land across which any electric line has been placed or across which it is intended by the Council to place any such line in either case under the provisions of section 22 of the Electricity (Supply) Act 1919 that a term or condition upon which they may place the said line across such land shall be the payment by the Council to such owner or occupier of

a sum of money in gross and the payment of such sum of money shall if so agreed between the parties secure for the Council as against such owner or occupier (as the case may be) and his executors administrators successors and assigns the right to retain and maintain such line across the said land for such period as may be agreed.

**50.** The Council may supply electricity to any house or building which is partly within and partly outside the electricity limits in the same manner as if those premises were wholly within such limits:

Supply to premises partly without electricity limits.

Provided that the Council shall not supply electricity under this section to any such house or building within the limits of any other authorised electricity undertakers without the consent of such undertakers which consent shall not be unreasonably withheld Any question as to whether any such consent is unreasonably withheld shall be determined by the Electricity Commissioners.

**51.—(1)** Notwithstanding anything in any Act or Order relating to the Council or the electricity undertaking the Council on the one hand and any authority company body or person (other than authorised distributors) to whom the Council are authorised to supply electricity on the other hand may enter into and carry into effect contracts or agreements for or with respect to the supply of electricity by the Council to such authority company body or person and at such price and on such terms and conditions as may be agreed and the Council may supply electricity accordingly Provided that the Council shall not in making any such contract or agreement show any undue preference to any such authority company body or person.

Agreements for supply of electricity.

(2) Any agreements entered into by the Council with any authority company body or person prior to the passing of this Act which would have been valid under the provisions of this section if made after the passing thereof shall be deemed to have been made under this section.

**52.** If any question shall arise under section 23 of the Electricity (Supply) Act 1922 as to whether a supply of electricity is demanded or received for the purpose of a stand-by supply only or as to whether a supply of electricity or of gas steam or other form of energy is in use or ready for use for the purposes for which a stand-by supply of electricity is required the same shall in default of agreement be determined by arbitration in manner provided by the Electricity (Supply) Acts 1882 to 1936.

For determining stand-by supplies. 12 & 13 Geo. 5. c. 46.

**53.** The Council may refuse to supply electricity to any person from whom payment for the supply of electricity or meter rent is for the time being in arrear (not being the subject

Power to refuse to supply electricity in certain cases.

PART V.  
—cont.

of a bona fide dispute) whether the payment be due to the Council in respect of the premises for which a supply is demanded or in respect of other premises.

Power of entry  
for substitution  
of cables  
&c.

**54.** In any case in which the proper and efficient supply of electricity necessitates the substitution of a new cable or other work situate in or upon the private property of a consumer the Council after giving forty-eight hours' notice in writing to the occupier or if there be no occupier then to the owner or lessee of any house building or land in which such cable or work is laid or fixed may enter such house building or land between the hours of nine in the morning and four in the afternoon or with the authority in writing of a justice at any other time for the purpose of effecting such substitution repairing all damage caused by such entry or substitution:

Provided that the Council shall not exercise the powers of this section in respect of any premises which form part of the railway of any railway company except with the consent of such company which consent shall not be unreasonably withheld Any question as to whether any such consent is unreasonably withheld shall be determined by the Electricity Commissioners.

Removal of  
restriction on  
breaking  
up streets.

**55.** For the purposes of section 13 of the Electric Lighting Act 1882 and section 12 of the schedule to the Electric Lighting (Clauses) Act 1899 in their application to the Council a county council shall be deemed to be a local authority.

Fraudulent  
abstraction of  
electricity.

**56.** Any person who for the purpose of operating any prepayment meter through which electricity is supplied to him or to premises occupied by him frequently or habitually uses anything other than the coin of the realm by which such prepayment meter is designed and intended to be operated shall be liable to a penalty not exceeding forty shillings.

Penalty for  
interference  
with works.

**57.** If any person without lawful excuse (the proof whereof shall lie on him) shall wilfully interfere with any electric line or other work or apparatus used for or in connection with the supply of electricity by the Council or do or cause to be done anything which is calculated to interfere with or damage any such work or apparatus he shall for every such offence (without prejudice to any other liability or cause of action which may arise out of or by reason of such act) be liable to a penalty not exceeding five pounds.

Interference  
with works  
with intent to  
cut off supply  
of electricity.

**58.—(1)** Any person who unlawfully and maliciously cuts injures or tampers with any electric line or work of the Council with the intent to cut off or injuriously affect the supply of electricity by the Council shall be guilty of a misdemeanour

and be liable on conviction on indictment to imprisonment for any term not exceeding two years but nothing in this section shall exempt the person from any proceeding for any offence which is punishable under any provision of the Electricity (Supply) Acts 1882 to 1936 or of the Electric Lighting (Clauses) Act 1899 or under any other Act or the common law but so that no such person be punished twice for the same offence.

(2) The Electric Lighting Act 1882 in its application to the Council shall be read and have effect as if section 22 of the said Act were hereby repealed.

**59.**—(1) The provisions of section 38 of the Gasworks Clauses Act 1871 (incorporated with the Electric Lighting Act 1882) shall apply to any person who wilfully fraudulently or by culpable negligence injures or detaches or suffers to be injured or detached any of the sealing or locking devices attached to any sealed or locked receptacle meter or apparatus inserted by the Council in any electric line within a consumer's premises or opens or suffers to be opened any such sealed or locked receptacle meter or apparatus.

Protection of seals &c. belonging to Council.  
34 & 35 Vict. c. 41.

(2) If any person accidentally injures or detaches or suffers to be injured or detached any such sealing or locking device as aforesaid he shall within forty-eight hours of such injury or detachment give notice in writing thereof to the Council and any person who fails to comply with the provisions of this subsection shall be liable to a penalty not exceeding five pounds.

**60.** The Council may make and recover such charges as they think fit for taking the reading of any electricity meter fixed in a house which is either in whole or in part let furnished at the request of and for the convenience of consumers at times other than those of the periodical readings:

Charges for special readings of electricity meters.

Provided that such charges shall not exceed the sum of two shillings and sixpence for each reading.

**61.**—(1) A notice to the Council from a consumer for the discontinuance of a supply of electricity shall not be of any effect unless it be in writing signed by or on behalf of the consumer and be left at or sent by post to the office of the Council.

Notice to discontinue supply of electricity.

(2) Notice of the effect of this section shall be endorsed on any demand notice for electricity.

**62.** The provisions of section 59 of the Rating and Valuation Act 1925 relating to the sending or service of demand notes shall apply to demand notes for any charges made in connection with the electricity undertaking.

Service of electricity demand notes.

## PART V.

—cont.

Discounts for  
prompt  
payment.

63. The Council may if they think fit make an allowance by way of discount on all sums of money due to them for the supply of electricity from any person who pays the same within such time of the demand thereof as the Council think fit to prescribe in that behalf and notice to that effect shall (if and so long as the Council shall allow such discount) be endorsed on every demand note in respect of such charges Provided that the Council shall make the same allowance to all consumers under similar conditions.

## PART VI.

## STREETS AND BUILDINGS.

Restrictions on  
advertisement  
hoardings.

64.—(1) For the purpose of preserving the amenities of the district it is hereby enacted that it shall not be lawful after the passing of this Act to erect in or with fifteen feet of any street in the district 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 Council 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 Council may determine.

(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 Council 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 company for the purposes of such railway company except in so far as such hoarding or similar structure fronts upon a street repairable by the inhabitants at large.

Power to  
order  
alteration of  
chimneys.

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



## PART VI.

—cont.

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

Erection of buildings to greater height than adjoining building.

(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.

67. 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 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 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.

Powers on inspection.

68. Where in the opinion of the Council repairs the cost of which will not exceed twenty 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 Council 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 of the Public Health Acts Amendment Act 1907.

As to urgent repairs of private streets.

69.—(1) On the approval of any plan for a new street or new streets submitted to the Council under any byelaw or enactment for the time being in force the Council 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 Council under subsection (1) of this section shall be

PART VI.  
—cont.

liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding five pounds.

Undertakings  
to bind  
successive  
owners.

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

15 & 16 Geo. 5.  
c. 22.

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

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

## PART VII.

## SEWERS AND DRAINS.

Improper  
construction  
or repair of  
water-closet or  
drain.

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

(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.

Apportion-  
ment to  
frontagers of  
expenses of  
sewer con-  
structed under  
publichighway.

72.—(1) Where the Council resolve to construct a sewer in a street or part of a street within the district repairable by the inhabitants at large which has not been previously sewered and the resolution states that the construction of the sewer will in the opinion of the Council increase the value of

premises fronting adjoining or abutting on such street or part of a street then subject to the provisions of the section of this Act whereof the marginal note is "Provisions applicable to the last two preceding sections" the expenses incurred by the Council in constructing the sewer so far as they do not exceed the sum authorised by that section shall be apportioned by the Council on the premises fronting adjoining or abutting on the street or part of a street according to the frontages of the respective premises as existing at the date when the resolution becomes operative.

PART VII.  
—cont.

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

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

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

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

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

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

74.—(1) The sum apportionable under either of the two last preceding sections of this Act shall not exceed the sum certified by the surveyor to be at the time the average cost per lineal yard of providing a sewer having an internal

Provisions applicable to the last two preceding sections.

PART VII.  
—cont.

diameter of nine inches in a private street in the district multiplied by the extent in lineal yards (as so certified) of the sewer or length of sewer in question.

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

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

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

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

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

For the purposes of this subsection—

- (a) a building shall be deemed to be a new building erected after the date in question unless the erection of the building was completed before that date;
- (b) any such re-erection alteration or extension of a building as is mentioned in the Third Schedule to the Restriction of Ribbon Development Act 1935 shall be deemed to be the erection of a new building Provided that references in the said schedule to the date on which the restrictions came into force shall for the purposes of this subsection be construed as references to the date when the resolution became operative or the street was laid out as the case may be.

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

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

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

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

(9) Where under this section any sum becomes recoverable in respect of any premises that sum together with interest from the date of service of a demand therefor may be recovered summarily as a civil debt by the Council from the person who is the owner of the premises at the date when a demand for payment is served and as from that date that sum and interest accrued due thereon shall until recovered be a charge on the premises and on all estates and interests therein and the following provisions of the Public Health Act 1936 shall apply as if they were re-enacted in this Act and in terms made applicable thereto (that is to say):—

Subsections (2) to (4) of section 291;

Subsection (2) of section 293;

Section 329.

75. If on a complaint by the Council to a court of summary jurisdiction it is proved to the satisfaction of the court—

- (i) that the owner of any land has conveyed sold leased or otherwise disposed of a portion of the land; and
- (ii) that by reason of such disposition any part of the land has ceased to be or has not become land front-

As to evasion  
by owners of  
sewerage  
expenses.

PART VII.  
—cont.

ing adjoining or abutting on a street within the meaning of the section of this Act of which the marginal note is "Apportionment to frontagers of expenses of sewer constructed under public highway" or as the case may be of the section of this Act of which the marginal note is "Apportionment to frontagers of expenses of construction of sewer before land became a street"; and

- (iii) that the disposal of such portion of the land was effected with the intention and for the purpose of the evasion of the payment of expenses under the said sections of this Act;

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

## PART VIII.

## INFECTIOUS DISEASE AND SANITARY PROVISIONS.

Definition of notifiable disease for purposes of section 97 of Act of 1933.

**76.** The diseases to which section 97 (Restriction on attendance of children at Sunday schools and places of assembly when infectious disease prevails) of the Act of 1933 shall apply are notifiable diseases as defined by section 343 of the Public Health Act 1936 and any other disease which the Minister by regulation made under section 143 of the Public Health Act 1936 declares to be a notifiable disease for the purpose of this section.

Removal of infirm and diseased persons in certain cases.

**77.—(1)** If the medical officer certifies in writing that any person in the district—

- (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 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 and in accordance with the provisions of this section.

(2) The medical officer shall give to any person proposed to be removed under the provisions of this section or to some person being 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.

(3) The cost of the removal of any person to a hospital infirmary or other institution or place as aforesaid and of his detention and maintenance therein in pursuance of an order made under this section shall be borne by the Council and during any period for which a person is so detained the Council may and if so required by the court shall make towards the maintenance of any dependants of that person such contributions as the Council 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 Council. 19 & 20 Geo. 5.  
c.17.

(4) An order under this section may be addressed to such officers of the Council 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.

(5) At any time after but not before the expiration of six clear weeks from the making of the order an application may

PART VIII.  
—cont.

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.

(6) The powers of this section shall not be put into operation by the medical officer unless he is authorised by a resolution of the Council 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 any hospital or other institution without the consent in writing of the authority or body having the control thereof.

Byelaws as to  
burning of  
refuse.

78. Section 82 of the Public Health Act 1936 in its application to the district shall be extended so as to empower the Council to make byelaws prescribing the times and the days of the week during which trade refuse may be set fire to or burned in yards and gardens.

Power to close  
slaughter-  
houses if  
injurious to  
public health.

79.—(1) (a) If any premises in the district were a registered slaughter-house immediately before the Food and Drugs Act 1938 came into operation and in the opinion of the Council those premises are from their situation or construction injurious or prejudicial to health or have remained unused as a slaughter-house for a period of six months the Council may by written notice to the owner and occupier require that the premises shall not be used as a slaughter-house on and after such date (not being less in the case of a slaughter-house which is in the opinion of the Council injurious or prejudicial to health than six months from the service of such notice) as may be specified in the notice and no person shall after such date slaughter in the way of trade any cattle horse sheep or pig on the said premises.

(b) Provided that not less than three months before making any such requirement in the case of any slaughter-house which from its construction is in their opinion injurious or prejudicial to health the Council shall give notice in writing to the owner or occupier thereof specifying the respects in which such slaughter-house is in their opinion so injurious or prejudicial and also specifying their requirements with regard thereto and if within the said period of three months the owner or



occupier of such slaughter-house shall have removed the grounds of objection thereto no such written notice as is first above mentioned shall be given to them by the Council.

(c) Provided also that such owner or occupier may within one month after receiving any such notice in writing from the Council object thereto on the ground that the requirements contained therein are unreasonable and unnecessary in the interests of public health and any such objection shall failing agreement between the Council and the owner or occupier making the same be determined on appeal to a court of summary jurisdiction by that court and unless and until such court shall have determined that the said requirements are reasonable and necessary no such written notice as is first above mentioned shall be given to the owner or occupier of the slaughter-house in question.

(d) Provided also that no part of the period from the fifteenth day of January one thousand nine hundred and forty to the date when the Livestock (Restriction on Slaughtering) (No. 2) Order 1940 shall cease to operate shall be included by the Council in reckoning the period of six months first mentioned in subsection (1) (a) of this section.

(2) The Council shall make compensation to the owner and occupier of any slaughter-house (other than a slaughter-house which has remained unused as a slaughter-house for a period of six months) who shall be injuriously affected by any requirement of the Council under subsection (1) of this section such compensation in case of difference to be settled in manner provided by the Public Health Act 1936 Provided always that in the case of a slaughter-house which is defective or otherwise open to objection on sanitary grounds the arbitrator shall have regard thereto in settling the amount of compensation (if any) which shall be awarded in pursuance of this section.

(3) If any person acts in contravention of the provisions of subsection (1) of this section he shall be liable for each offence to a penalty not exceeding five pounds.

## PART IX.

### HUMAN FOOD.

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

(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

Registration of hawkers of meat fish fruit and vegetables and premises.

PART IX.  
—cont.

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

(b) If the Council refuse to register or revoke the registration of any such person or premises they shall if required by the person applying for such registration or the person registered or in whose name the premises are registered deliver to him within seven days of the receipt of such requirement a statement in writing of the ground or grounds upon which such refusal or revocation is based.

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

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

81.—(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 enquiries to be made to trace the disposition of the carcasses or any part thereof.

Notice of  
slaughter of  
animal unfit  
for food.

PART IX.  
—cont.

(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.

## PART X.

## PUBLIC BUILDINGS PARKS AND SEASHORE.

Power to  
provide  
concert halls,  
&c.

82.—(1) The Council may provide concert halls entertainment rooms reading rooms pavilions and bandstands with all necessary and suitable offices refreshment rooms kitchens cloak-rooms lavatories conveniences and appliances.

(2) For the purposes aforesaid the Council may—

(a) erect or adapt buildings in any public park or pleasure ground belonging to 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) The Council may furnish and equip any premises provided by them under this section.

Power to  
provide &c.  
entertain-  
ments.

83.—(1) The Council may use or allow to be used or let any premises provided under subsection (1) of the last preceding section of this Act 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 Council 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 Council 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 Council 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 the Council 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 from time to time 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.

15 & 16 Geo. 5.  
c. 71.15 & 16 Geo. 5.  
c. 90.

(2) The Council may provide and sell or authorise the provision and sale of programmes of any concert or entertainment given in pursuance of this section.

(3) The Council 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 Council in any case in which such consent would have been required if this section had not been passed.

(5) Nothing in this 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 like kind or a cinematograph exhibition.

84. When any portion of any park or place of public resort or recreation is set apart by the Council for any purpose under section 76 of the Public Health Acts Amendment Act 1907 the Council may permit the exclusive use by any club or other

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

PART X.  
—cont.

body or persons of any part of any park or place of public resort or recreation set apart as aforesaid and of any pavilions buildings or refreshment or other rooms or conveniences subject to such charges and conditions as the Council may think fit:

Provided that nothing in this section shall empower the Council to permit at one and the same time the exclusive use of more than fifty 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 or more than twenty-five per centum of the total area of all such parks and places.

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

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

Officers may be sworn in as constables.

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

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.

Protection of bathers.

87. The Council may employ and pay bathing attendants and boatmen for the purpose of protecting persons whilst bathing on or from the seashore and may provide any boats and life-saving appliances for that purpose.

Licensing of boatmen.

88. Section 94 of the Public Health Acts Amendment Act 1907 shall in its application to the district be read and have effect as if at the end of subsection (3) thereof the words " or unless the boatmen and persons assisting in the charge or navigation of such boat or vessel are for the time being licensed under this section by the Council " were added.

Removal of sand &c. from seashore.

89.—(1) Any person who at any time digs carries away or removes any sand marl gravel shingle rock soil or other material from any portion of the seashore or beach above or

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

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

PART X.  
—cont.

## PART XI.

### FINANCE.

90. The Council may from time to time independently of any other borrowing power borrow at interest for and in connection with the purposes mentioned in the first column of the following table the respective sums mentioned in the second column of the said table and they shall pay off all moneys so borrowed within such periods as the Council may determine not exceeding those respectively mentioned in the third column of the said table (namely):—

Power to borrow.

1	2	3
Purpose.	Amount.	Period for repayment.
(a) The purchase of land and easements for the construction of the works authorised by this Act	£1,500	Sixty years from the date or dates of borrowing.
(b) The construction of the works authorised by this Act	£188,750	Forty-five years from the date or dates of borrowing.
(c) Water mains ... ..	£14,250	Forty years from the date or dates of borrowing.
(d) The payment of the costs charges and expenses of this Act	The sum requisite	Five years from the passing of this Act.

PART XI.  
—cont.

Provided that it shall not be obligatory on the Council to commence the repayment by sinking fund or otherwise of any moneys borrowed for the purposes (a) and (b) until the thirty-first day of March next after the completion of the works authorised by this Act or until the expiration of five years from the date or dates of borrowing whichever shall first happen.

Application of  
Local  
Government  
Act 1933 to  
existing  
sinking funds.

91. Sections 213 and 214 of the Local Government Act 1933 shall apply with respect to any sinking fund formed by the Council for the repayment of any money borrowed (otherwise than by the issue of stock) before the passing of this Act under any statutory borrowing power as if it had been borrowed by way of mortgage and the Council shall make such adjustments of any existing sinking funds as may be proper.

Saving for  
emergency  
powers of  
Treasury.  
3 & 4 Geo. 6,  
c. 20.

92.—(1) 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 other than for the purpose (d) of the section of this Act whereof the marginal note is "Power to borrow" without such consent.

(2) It shall not be lawful to exercise the powers of borrowing conferred by this Act otherwise than in compliance with the provisions of the Local Authorities Loans Act 1945.

Amendments  
of Acts of  
1928 and 1933.

93. The Acts of 1928 and 1933 shall be read and have effect as if the following amendments were inserted therein:—

Act of 1928—

- (1) Section 4 (Definition of water undertaking) For the definition of the water undertaking in the said section there shall be substituted the words " 'The water undertaking' means the water undertaking of the Council for the time being authorised ";
- (2) Section 73 (Appointment of receiver) After the words "by virtue of this" there shall be inserted the words "or any subsequent";
- (3) Section 76 (Expenses of execution of Act) The words "section 6 of the Rural Water Supplies and Sewerage Act 1944" shall be substituted for all words after "directed by" down to "to apply accordingly".

Act of 1933—

- (4) Section 86 (Compensation for injuring lamps &c.) For the words "ten pounds" there shall be substituted the words "twenty pounds";



- (5) Section 117 (Closing of registers) The following subsection shall be inserted:—

“(2) The persons who on the date on which the transfer book or register is closed are entered therein as holders of any security of the class to which such transfer book or register relates shall be entitled to the interest next payable thereon;”

- (6) Subsection (3) of section 119 (Receipts and expenses) At the end of paragraph (a) there shall be inserted the words “ or any subsequent Act ”.

After the words “ general purposes ” there shall be inserted the words “ chargeable on the whole of the district.”

After “ 1929 ” there shall be inserted the words “ or be required so to determine under the Rural Water Supplies and Sewerage Act 1944.”

94.—(1) The Council may at any time hereafter and from time to time make a scheme for prescribing one or more uniform periods within which all or any loans contracted by them under statutory borrowing powers shall be discharged and such scheme may extend or vary the periods within which such loans shall be discharged and may apply to any such loans all or any of the provisions of this Act and the Local Government Act 1933 in regard to the borrowing and repayment of money with or without modification and may make provisions in regard to all matters incidental to the objects aforesaid. Scheme for  
equated  
periods.

(2) No scheme made by the Council under this section shall have any force or effect until confirmed by the Minister who may by order confirm the same with or without modifications and when so confirmed the scheme shall notwithstanding any enactment order or sanction to the contrary have full force and effect and such scheme shall be deemed to be within the powers of this Act.

(3) Nothing in any scheme made under this section shall prejudice or affect the security rights and remedies of any mortgagee under any mortgage existing at the time of the confirmation of the scheme or of the holder of any stock existing at that time except with the consent of such mortgagee or holder.

(4) The loans referred to collectively in any scheme under general headings in accordance with a classification approved by the Minister may be consolidated and dealt with in the accounts of the Council as if the aggregate amount of the several loans relative to each heading were one loan raised under one statutory borrowing power and if approved by the

PART XI.  
cont.—

Minister separate consolidations may be made of all or any of the loans included under such general headings.

(5) Any scheme confirmed under this Act may be altered extended amended or annulled by any other scheme prepared and confirmed in like manner as the original scheme.

Consolidated  
loans fund.

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

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

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

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

- (a) in the redemption of authorised securities the purchase of bonds or 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 shall not except with the consent of the Minister be used or applied otherwise than as provided in this section.

(3) There shall also be transferred to the consolidated loans fund such sums as are necessary to meet interest charges

and the financing and other revenue expenses connected with the management of that fund and separate account shall be kept of the said sums and their application.

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

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

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

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

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

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

96.—(1) The Council may establish a fund to be called **Capital reserve fund.** "the capital reserve fund" for the purpose of defraying any expenditure to which capital is properly applicable (other than expenditure in connection with any undertaking of the Council as from time to time existing from which revenue is derived) to an amount not exceeding two thousand pounds in any one transaction and such fund shall be formed by appropriating in the accounts of the Council such sums out

PART XI.  
—cont.

of the general rate fund as the Council may from time to time deem expedient Provided that—

(a) except as provided by subsection (2) (b) of this section any sum or sums so appropriated or paid to the capital reserve fund from the general rate fund shall not exceed in any financial 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 the sum of twenty thousand pounds but if the fund is at any time reduced below the sum of twenty thousand pounds the Council may recommence and continue the appropriations and payments until the fund be restored to the sum of twenty thousand pounds.

(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 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 rate fund and (subject to the limitation imposed by proviso (b) to subsection (1) of this section) an amount equivalent to such income shall be credited to the capital reserve fund.

Renewal and  
repairs fund.

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

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

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

(a) the provision maintenance and renewal of horses carts mechanically propelled vehicles stables depots boilers equipment and apparatus in connection therewith; and

- (b) the maintenance and repair of paths and apparatus in public walks and pleasure grounds and of buildings; and
- (c) the maintenance and repair of buildings (not being buildings in respect of which the Council are required by the Housing Act 1936 to keep a housing repairs account);

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

(4) (a) Pending the application of the renewal and repairs fund to the purposes authorised in subsection (3) of this section the moneys in the fund shall (unless applied in any other manner authorised by this 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 the manner provided by the foregoing paragraph of this subsection and any income arising from the application of the fund to the purposes authorised shall be carried to and form part of the general rate fund and (subject to the limitation imposed by subsection (2) of this section) an amount equivalent to such income shall be carried to the renewal and repairs fund.

98. Section 127 (Recovery of rate from persons removing) of the Act of 1933 shall be read and have effect as though the words " or any water rate or any water charge or any electricity charge " had been inserted therein after the words " any general rate " and as though the words " person named therein " had been inserted instead of the words " said rating officer or other authorised officer " and the word " defaulter " instead of the words " such person. " Amendment  
of section 127  
of Act of 1933.

## PART XII.

### MISCELLANEOUS.

99. Section 298 (Restriction on right to prosecute) of the Public Health Act 1936 shall apply to offences created by or under this Act as if they were offences created by or under that Act. Restriction on  
right to  
prosecute.

100.—(1) Any person aggrieved by any requirement refusal or other decision of the Council or of any officer thereof under the section of this Act whereof the marginal note is " As to gross value of two or more houses in one occupation " or Part VI (Streets and buildings) Part VII (Sewers and drains) As to appeals.

PART XII.  
—cont.

Part VIII (Infectious disease and sanitary provisions) or Part IX (Human food) of this Act may except where otherwise expressly provided or when some other right of appeal is conferred by this Act appeal to a court of summary jurisdiction.

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

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

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

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

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

- (a) no proceedings in respect of any failure to execute the work or take the action shall be taken;
- (b) the Council shall not execute such work or take such action; and
- (c) any such person may carry on such business and use such premises for such purpose;

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

(7) Where upon an appeal under this Act a court varies or reverses any requirement refusal or other decision of the Council effect shall be given to the order of the court and in

particular any necessary consent certificate or other document shall be granted or issued and any necessary entry in any register shall be made.

PART XII.  
—cont.

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

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

**103.** The Minister may hold such inquiries as he considers necessary in regard to the exercise of any powers conferred upon him or the giving of consents under this Act and section 290 of the Local Government Act 1933 shall apply accordingly. Inquiries by Minister.

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

- Section 275 (Power of local authority to execute certain work on behalf of owners or occupiers);
- Section 283 (Notices to be in writing; forms of notices &c.);
- Section 284 (Authentication of documents);
- Section 285 (Service of notices &c.);
- Section 286 (Proof of resolutions &c.);
- Section 293 (Recovery of expenses &c.);
- Section 296 (Summary proceedings for offences);
- Section 297 (Continuing offences and penalties);
- Section 299 (Inclusion of several sums in one complaint &c.);
- Section 304 (Judges and justices not to be disqualified by liability to rates);
- Section 328 (Powers of Act to be cumulative).

(2) The sections of the Public Health Act 1936 hereinafter mentioned shall have effect as if they were re-enacted in this Act and in terms made applicable to Part VI (Streets and buildings) Part VII (Sewers and drains) Part VIII (Infectious

PART XII.  
—cont.

disease and sanitary provisions) and Part IX (Human food) of this Act (that is to say):—

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

Commence-  
ment of  
certain  
provisions  
of this Act.

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

(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 sections of this Act of which the marginal notes are—

“Registration of hawkers of meat fish fruit and vegetables and premises”;

“Notice of slaughter of animal unfit for food.”

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

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

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



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

PART XII.  
—cont.

**106.** Paragraph (d) of subsection (2) and subsection (4) of section 1 of the Emergency Powers (Defence) Act 1939 as amended by subsection (2) of section 1 of the Emergency Powers (Defence) Act 1940 shall have effect as if this Act had been passed before the commencement of the last-mentioned Act.

Application of  
Emergency  
Powers  
(Defence) Acts  
1939 and 1940.

**107.** The following sections of the Act of 1928 and the Act of 1933 shall have effect as if they were re-enacted in this Act and in terms made applicable thereto (that is to say):—

Application of  
provisions of  
former Acts.

Act of 1928—

- Section 15 (Prevention of plumbism);
- Section 74 (Application of money borrowed);
- Section 81 (Recovery of penalties);
- Section 82 (Application of section 265 of Public Health Act 1875);
- Section 83 (Recovery of demands).

Act of 1933—

- Section 128 (Expenses of execution of Act);
- Section 140 (Damages and charges to be settled by court);
- Section 142 (Informations by whom to be laid);
- Section 145 (Penalties to be paid over to treasurer);
- Section 146 (Compensation how to be determined);
- Section 149 (Saving for indictments &c.).

**108.** The following enactments are hereby repealed:— Repeal.

The Act of 1928—

- Subsection (2) of section 24 (Power to retain sell &c. lands);
- Subsection (2) of section 30 (Supply of water to houses partly used for trade &c.);
- Section 60 (Sinking fund);
- Section 63 (Power to re-borrow);
- Section 70 (Return to Minister of Health with respect to repayment of debt);
- Section 75 (Estimate of revenue and expenditure of water undertaking);

PART XII.  
—cont.

The Act of 1933—

Section II (Power to retain sell &amp;c. lands):

Ministry of Health (Plympton St. Mary) Provisional  
Order Confirmation Act 1936—Paragraph (1) of article 4 (Modifications of Acts of  
1928 and 1933 in their application to parish of  
Ivybridge).Saving for  
Water Act  
1945.**109.** This Act shall be deemed to have been passed before  
the coming into operation of the Water Act 1945.Saving for  
town and  
country  
planning.**110.** For the purposes so far as applicable of the Town  
and Country Planning Acts 1932 and 1943 and the Town and  
Country Planning Act 1944 and of any order scheme or  
regulation made under those Acts and for the time being in  
force this Act shall be deemed to have become law before the  
said Town and Country Planning Acts 1932 and 1943 and  
the Town and Country Planning Act 1944.

Crown rights.

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

Costs of Act.

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

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