



Ryde Corporation Act 1969

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ELIZABETH II



1969 CHAPTER XVI

Act to confer further powers on the mayor, aldermen and burgesses of the borough of Ryde in relation to the improvement, local government and finances of the borough: and for other purposes. [16th May 1969]

WHEREAS—

- (1) The borough of Ryde (hereinafter referred to as "the borough") is a borough under the management and local government of the mayor, aldermen and burgesses of the borough:
- (2) It is expedient to make further provision in relation to improvement, local government and finances of the borough:
- (3) It is expedient that the other provisions contained in this Act be enacted:
- (4) The purposes of this Act cannot be effected without the authority of Parliament:
- (5) In relation to the promotion of the Bill for this Act the requirements of Part XIII of the Local Government Act 1933 1933 c. 51 have been observed:

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

PART I

PRELIMINARY

- Short title. 1. This Act may be cited as the Ryde Corporation Act 1969.
- Division of Act into Parts. 2. This Act is divided into Parts as follows:—
 Part I.—Preliminary.
 Part II.—Public order and public safety.
 Part III.—Parks, cemeteries and other municipal property.
 Part IV.—Finance and miscellaneous.
 Part V.—General.
- Interpretation. 3.—(1) In this Act the several words and expressions to which meanings are assigned by section 343 of the Public Health Act 1936 c. 49. 1936 have the same respective meanings, unless there be something in the subject or context repugnant to such construction.
- (2) In this Act, unless the subject or context otherwise requires—
- 1933 c. 51. “ the Act of 1933 ” means the Local Government Act 1933;
 “ the Act of 1936 ” means the Public Health Act 1936;
 “ the borough ” means the borough of Ryde;
 “ burial ground ” includes a cemetery;
 “ contravention ” includes a failure to comply, and
 “ contravene ” shall be construed accordingly;
 “ the Corporation ” means the mayor, aldermen and burgesses of the borough;
 “ the council ” means the council of the borough;
 “ daily fine ” means a fine for each day on which an offence is continued after conviction;
 “ enactment ” includes an enactment in this Act or in any general or local Act and any order, byelaw or regulation for the time being in force within the borough;
 “ grave ” includes a grave space, niche or urn;
 1952 c. 55. “ magistrates’ court ” has the same meaning as in the Magistrates’ Courts Act 1952;
 “ main river ” has the same meaning as in the Land Drainage Acts 1930 and 1961;

“**memorial**” means any object erected, placed or planted for the commemoration of the dead, and includes any wall, kerb or railing protecting, enclosing or marking a grave or memorial;

“**the Minister**” means the Minister of Housing and Local Government;

“**Minister of the Crown**” has the same meaning as in the Ministers of the Crown (Transfer of Functions) Act 1946;

1946 c. 31.

“**seashore**” includes all parts of the beach or shore above and below high-water mark and (where a promenade or esplanade exists) between the promenade or esplanade and low-water mark;

“**tombstone**” includes a monument or other memorial of a deceased person;

“**the town clerk**” means the town clerk of the borough.

(3) Except where the context otherwise requires, any reference in this Act to any enactment shall be construed as a reference to that enactment as applied, extended, amended or varied by, or by virtue of, any subsequent enactment including this Act.

PART II

PUBLIC ORDER AND PUBLIC SAFETY

(1) As from the appointed day no person shall at any place to which this section applies— Touting, hawking, etc.

(a) importune any person by touting for a hotel, lodging house or refreshment house, for a shop, for a theatre, garden, pier or place of amusement or for a boat, hackney carriage or public service vehicle; or

(b) without the consent of the Corporation, which may be given on such terms and conditions as they think fit—

(i) hawk, sell or offer for sale any article or commodity; or

(ii) take a photograph by way of trade or business of any person except as mentioned in subsection (4) of this section.

(2) The Corporation shall not withhold their consent under paragraph (b) of the foregoing subsection to the sale or offering by any person of newspapers and periodicals, except on the ground that their consent to such sale or offering for any place to which this section applies has already been given to a reasonably sufficient number of other persons.

(3) The prohibition imposed by sub-paragraph (i) of paragraph (b) of subsection (1) of this section shall not apply to a sale or offering by any person to persons residing in, or occupying, or employed at, any place in or adjoining a place to which this section applies.

PART II
—cont.

(4) The prohibition imposed by sub-paragraph (ii) of paragraph (b) of subsection (1) of this section shall not apply to the taking of a photograph for the purpose of making it available for publication in a newspaper or periodical if the photographer is employed by or on behalf of the owner or publisher of a newspaper or periodical, or carries on a business which consists in, or includes, selling or supplying photographs for such publication.

(5) This section applies to any place in the borough—

- (a) in or on an esplanade, parade, promenade, marine drive or public walk;
- (b) in a park, pleasure ground or open space within the meaning of the Open Spaces Act 1906 which is provided by the Corporation or under their management and control;
- (c) on the seashore;
- (d) in any street or part of a street to which this section applies by virtue of byelaws made by the Corporation under this section.

1906 c. 25.

(6) Any person aggrieved by the refusal of the Corporation to give their consent under paragraph (b) of subsection (1) of this section, or by any terms or conditions attached to a consent given by the Corporation thereunder, may appeal to a magistrate.

(7) If any person contravenes any of the foregoing provisions of this section, or any term or condition upon which any consent is given thereunder, he shall be liable to a fine not exceeding twenty pounds.

(8) The provisions of this section shall not prevent any landowner, or any person with his consent, exercising any rights which he could have exercised if this section had not been enacted.

(9) As respects byelaws made under this section the confirming authority for the purpose of section 250 of the Act of 1933 shall be the Secretary of State.

(10) (a) In this section “the appointed day” means such day as may be fixed by resolution of the council subject to and in accordance with the provisions of this section.

(b) Different days may be fixed under this section for its several purposes.

(c) The Corporation shall cause to be published in a newspaper circulating in the borough notice—

- (i) of the passing of any such resolution and of the day so fixed thereby; and
- (ii) of the general effect of the provisions of this section coming into operation as from that day;

and the day so fixed shall not be earlier than the expiration of one month from the date of publication of the said notice.

(2) Either—

(i) a copy of any such newspaper containing any such notice; or

(ii) a photostatic or other reproduction certified by the town clerk to be a true reproduction of a page, or part of a page, of any such newspaper bearing the date of its publication and containing any such notice;

shall be evidence of the publication of the notice and of the date of the publication.

5.—(1) No person shall without the consent of the Corporation erect, provide, place or use any structure, or place any chair on any part of the seashore belonging or let to them unless he is authorised to do so by or under an enactment: Unauthorised structures on seashore.

Provided that nothing in this section shall prevent a person from placing a chair or chairs on the seashore for his own personal use or that of his family.

(2) If any person erects, provides or places a structure or places a chair in contravention of subsection (1) of this section, he shall be liable to a fine not exceeding twenty pounds, and, if after his conviction thereof the structure or chair remains on any such part of the seashore, he shall be liable to a fine not exceeding one pound for each day on which it so remains.

(3) If any person uses a structure in contravention of subsection (1) of this section, he shall be liable to a fine not exceeding twenty pounds and to a daily fine not exceeding one pound.

(4) Nothing in this section shall prejudice the rights of the Wight River and Water Authority to erect a structure on the river in the course of its duties.

(5) In this section “structure” means any shed, hut, shelter, booth, stall, stand, shop or other erection or obstruction, whether on wheels or not.

6.—(1) Notwithstanding anything in the Town Police Clauses Act 1847, the Corporation may suspend or revoke the licence— Hackney carriages.

(a) of a proprietor of a hackney carriage on the ground of the 1847 c. 89.
unfitness of the hackney carriage or on the ground that since the granting of the licence the vehicle has been transferred to a person other than the person to whom the licence was granted and is not being used as a hackney carriage; or

(b) of a driver of a hackney carriage on the ground that he has since the granting of the licence been convicted of an offence involving dishonesty, violence or indecency.

PART II
—cont.

(2) Any hackney carriage proprietor or driver aggrieved by decision of the Corporation under subsection (1) of this section may appeal to a court of quarter sessions.

(3) The cost not exceeding one pound per inspection incurred by the Corporation in carrying out inspections of vehicles for the purpose of determining whether hackney carriage licences should be granted therefor shall, if the council so resolve, be recoverable from the proprietors thereof.

1960 c. 16.

(4) The provisions of this section shall not apply to a public service vehicle as defined in section 117 of the Road Traffic Act 1960.

PART III

PARKS, CEMETERIES AND OTHER MUNICIPAL PROPERTY

Parking
places in
parks, etc.
1967 c. 76.

7.—(1) For the purpose of providing a parking place under section 28 of the Road Traffic Regulation Act 1967 the Corporation may, with the consent of the Minister, utilise any part of a park, pleasure ground or open space provided by them or under their management and control:

Provided that the part of any park, pleasure ground or open space utilised under this section shall not exceed one-eighth of the total area thereof, or one acre, whichever is the less.

1906 c. 25.

(2) In this section "open space" has the same meaning as in the Open Spaces Act 1906.

As to
disposal of
public walks
and pleasure
grounds.
1875 c. 55.

8. The powers of sections 163, 164 and 165 of the Act of 1935 may be exercised by the Corporation in respect of land for the time being held by them for the purposes of section 164 of the Public Health Act 1875, notwithstanding that such land has been made available for free and unrestricted access by members of the public:

Provided that the Corporation shall not under the powers of this section appropriate, sell, lease or otherwise dispose of land—

(a) on any one occasion in area more than 250 square yards

or

(b) exceeding in total an area of 300 square yards.

Saving for
trusts.

9. No power conferred upon the Corporation by the last foregoing sections shall be exercised in such a manner—

(1) as to be at variance with an express trust subject to which land or a building is held, managed or controlled by the Corporation, without an order of the High Court, of the Charity Commissioners, or of the Secretary of State or, where the trust instrument reserves to the

or any other person, the power to vary the trust, without the consent of the donor or that other person; or

(2) as to contravene a covenant or condition subject to which a gift or lease of land or a building has been accepted by, or granted to, the Corporation, without the consent of the donor, grantor, lessor or other person entitled in law to the benefit of the covenant or condition.

Agreements to maintain graves and tombstones.

10. The Corporation may agree with any person, in consideration of the payment of a sum by him, to maintain, for a period fixed by the agreement, a grave or tombstone in a burial ground or crematorium provided by the Corporation.

Extension of power to maintain burial grounds.

11. (1) The powers of the Corporation in relation to a burial ground maintainable by them shall include power—

- (a) to put and keep in order any memorial therein;
- (b) to level any grave therein;
- (c) to remove the whole or any part of a memorial therein;
- (d) to alter the position of any such memorial.

(2) Before exercising a power conferred by paragraph (b), (c) or (d) of the foregoing subsection the Corporation shall—

- (a) publish a notice of their intention to do so once in each of two successive weeks in a local newspaper circulating in the borough, with an interval between the dates of publication of not less than six clear days;
- (b) display a notice thereof in a conspicuous position in the burial ground; and
- (c) serve a notice thereof upon the owner of the grave, or upon a relative of a deceased person whose remains are interred therein, if after reasonable inquiry the name and address of such owner or relative can be ascertained.

(3) Each of the notices shall—

- (a) contain brief particulars of the Corporation's proposals, and specify an address at which full particulars of the proposals can be obtained, unless the brief particulars are of proposals incapable of further statement;
- (b) specify the date on which it is intended that the Corporation will begin to carry out the proposals, which shall be not earlier than the fourteenth day after the date of the later of the two publications, or than the fifty-sixth day after the date on which the notice in the burial ground is first displayed, or, where notice is required to be served, than the fifty-sixth day after the date of service, whichever is the latest; and
- (c) state the effect of the next following subsection.

PART III
—cont.

(4) If notice of objection to a proposal, and of the ground thereof, is given to the Corporation before the date specified under paragraph (b) of the last foregoing subsection, that proposal shall not be carried out without the consent of the Minister unless the notice of objection is withdrawn.

(5) The Corporation may put to such use as they think appropriate, or destroy, any memorial removed under this section unless it is claimed and removed by the person claiming it, or some person acting on his behalf within three months after the date of the earlier of the two publications of the notice required by paragraph (a) of subsection (2) of this section, or, where none has been served under paragraph (c) thereof, after the date of such service, whichever is the later.

(6) Where a memorial is removed by the Corporation under this section, the Corporation may erect at their own expense in substitution, a memorial of a value not exceeding twenty pounds.

(7) The Corporation shall cause a record to be made of each memorial taken from the burial ground under this section containing—

(a) a copy of any inscription on it; and

(b) if it is intended to preserve the memorial, a statement showing where it has been taken to;

and shall deposit a copy of the record with the Registrar General.

(8) (a) Nothing in the foregoing provisions of this section shall relieve the Corporation from any obligation to which they are subject apart from those provisions to obtain for any work faculty or licence of a consistory court.

(b) Subsections (2) to (4) of this section shall not have effect in relation to any work for which the Corporation obtain such faculty or licence; and subsection (5) thereof shall not have effect in relation to any memorial for whose removal such faculty or licence was obtained.

12.—(1) In this section—

“the Commission” means the Commonwealth War Graves Commission;

“Commonwealth war burial” means a burial of any officer or man of the naval, military or air forces of His Majesty fallen in the war of 1914 to 1921 or in the war of 1939 to 1947.

(2) In relation to any burial ground to which the provisions of section 11 (Extension of power to maintain burial ground)

For
protection of
Common-
wealth War
Graves
Commission.

of this Act apply and in which there are situated any Commonwealth war graves relating to the war of 1914 to 1921 or to the war of 1939 to 1947, the Corporation shall—

(a) not later than the date upon which such notice is first published in a newspaper circulating in the borough, serve upon the Commission a copy of any notice which the Corporation are required to publish pursuant to the said section 11;

(b) give written notification to the Commission of their intention to apply for a faculty or licence of a consistory court for the purposes of exercising a power conferred by paragraph (b), (c) or (d) of subsection (1) of the said section 11;

and in any such case shall have due regard to any written representations made by the Commission within a period of one month from the service of the notice or the giving of the notification, as the case may be.

(3) The Corporation shall not, in pursuance of the powers of the said section 11, remove any memorial placed or erected over any Commonwealth war grave unless they have first given to the Commission satisfactory assurances in writing in regard to all or such of the following matters as the Commission consider appropriate, namely:—

(a) that no other memorial shall be placed or erected over such grave;

(b) that any Commonwealth war burial in such grave shall at all times be protected from interference or disturbance otherwise than interference or disturbance authorised by a licence granted by the Secretary of State or authorised by a faculty or licence of a consistory court after prior notification to the Commission of the application for any such licence or faculty;

(c) that in the case of any headstone placed or erected by the Commission over any such grave, such memorial shall be removed only in accordance with such arrangements and in such manner including disposal of the memorial as shall be agreed in writing between the Corporation and the Commission.

(4) If a Commonwealth war burial would be affected by a consent given by the Minister under subsection (4) of the said section 11 the Corporation shall, not later than the date on which the matter is referred to the Minister, inform the Commission in writing of such reference, and the Minister shall consider any presentations submitted to him by the Commission within a period of twenty-eight days from the date of reference to the Minister.

PART IV

FINANCE AND MISCELLANEOUS

Power to borrow.

13.—(1) The Corporation may borrow—

- (a) such sums as may be necessary for any of the purposes of this Act;
- (b) without the consent of any sanctioning authority, such sums as may be necessary for paying the costs, charges and expenses of this Act;

and, subject to the provisions of this section, Part IX of the Act of 1933 shall have effect as if money borrowed under this section were borrowed under that Part.

(2) The Corporation shall repay sums borrowed under paragraph (b) of the foregoing subsection within five years from the date of borrowing.

(3) It shall not be lawful to exercise the powers of borrowing conferred by paragraph (a) of subsection (1) of this section except in compliance with any order for the time being in force under section 1 of the Borrowing (Control and Guarantees) Act 1946

1946 c. 58.

Receipt in case of minors.

14.—(1) If any money is payable by the Corporation to any employee (other than wages or salary), or to any creditor, or to the holder of any authorised security, and the person entitled to such payment is a minor, the receipt of the guardian shall be a sufficient discharge to the Corporation.

(2) In this section the expression “authorised security” means any mortgage, stock, bond or other security which the Corporation are for the time being authorised to grant, create or issue upon or by means of which the Corporation are for the time being authorised to raise money.

Suspension of restrictive covenants.

15.—(1) If the Corporation—

- (a) acquire land by agreement; or
- (b) enter into an agreement to acquire land; or
- (c) have acquired land by agreement before the passing of this Act;

and the land is required for a purpose for which the Corporation are for the time being, or could under any enactment for the time being in force, be authorised to acquire the land compulsorily, and the land is affected by any restriction arising under a covenant (other than a restriction imposed by any enactment) as to the user thereof or any building thereon (being a covenant which subsists immediately before the date of the acquisition of the land by the Corporation) the council may, subject to the provisions of this section, by resolution suspend the operation of the restriction.

The resolution shall describe by reference to a map the date to which it applies.

3) The Corporation shall—

(a) in four successive weeks publish in a local newspaper circulating in the locality in which the land referred to in the resolution is situated, a notice stating that the resolution has been passed, describing the land and naming a place within the locality where a copy of the resolution and map may be inspected and specifying the time, not being less than three months from the first publication of the notice, within which and the manner in which objections to the suspension of the operation of the restriction can be made;

(b) on or before the date of the first publication of the said notice serve a copy of that notice by registered post or the recorded delivery service on every person who appears to them after diligent inquiry to be entitled to the benefit of the restriction to which the resolution relates; and

(c) affix to some conspicuous object or objects on the land to which the resolution relates once at least in each of four successive weeks a copy or copies of that notice:

Provided that the said notice or notices shall be so affixed on the first occasion on or before the date of the first publication of the notice under paragraph (a) of this subsection.

(4) Any person claiming to be entitled to the benefit of the restriction may object to the suspension of the operation of the restriction by sending notice of his objection and of the grounds thereon to the appropriate Minister within the period specified in the notice and by sending a copy thereof to the Corporation.

(5) If any objection is duly made as aforesaid and is not withdrawn the resolution shall be of no effect unless and until it is confirmed by the appropriate Minister and before confirming the resolution the appropriate Minister shall cause a public local inquiry to be held into the proposed suspension of the operation of the restriction and after considering the report of the person who held the inquiry may confirm the resolution.

(6) (a) If no objection is duly made under subsection (4) of this section or if all objections so made are withdrawn, the operation of the restriction shall be suspended on and after the date of expiration of the period specified in the notice or the date of withdrawal of the objection or, if more than one, the last date or the date on which the Corporation acquire the land, whichever is the latest.

(b) If objection is duly made as aforesaid and the appropriate Minister confirms the resolution, the operation of the restriction

PART IV
—cont.

shall be suspended on and after such date as the appropriate Minister shall determine, not being earlier than the date on which the Corporation acquire the land.

(7) If in the opinion of the Corporation there is doubt whether any such land as is mentioned in subsection (1) of this section is affected by any restriction to which that subsection relates, whether any such restriction is enforceable, the Corporation may—

(a) in three successive weeks publish in a local newspaper circulating in the locality a notice describing the effect of this subsection and of sections (8) and (9) of this section and specifying a time, not being less than three months from the date of publication of the notice, within which and the manner in which any person claiming to be entitled to enforce a restriction against the land may intimate such claim to the Corporation and produce to them his documents of title in support of his claim;

(b) on or before the date of the first publication of a notice referred to in paragraph (a) of this subsection—

(i) serve a copy of that notice by registered post or the recorded delivery service on every person who appears to them after diligent inquiry may reasonably be expected to claim to be entitled to enforce a restriction against the land; and

(ii) affix a copy or copies of that notice to a conspicuous object or objects on the land.

(8) If any person is entitled to enforce a restriction against land but fails to comply with the requirements of such notice, the restriction shall, so far as concerns such person and his successors in title, be deemed to have been suspended under the foregoing provisions of this section, but without prejudice to his claim for compensation under subsection (9) of this section.

1965 c. 56. (9) The Corporation shall pay compensation in accordance with the provisions of section 10 of the Compulsory Purchase Act 1965 to any person entitled to the benefit of a restriction suspended under the powers of this section who suffers loss in consequence thereof and the amount of such compensation shall be determined in case of dispute in accordance with the Land Compensation Act 1961.

1961 c. 33.

(10) Any restriction the operation of which is suspended under the powers of this section shall be unenforceable so long as the Corporation are the owners of the land affected by the restriction and, if compensation is paid by the Corporation under subsection (9) of this section in respect of the suspension of the operation of a restriction relating to the building upon or use of

that land, that restriction shall remain unenforceable in respect of such building or use notwithstanding any subsequent conveyance or disposition of the land to any other person:

Provided that if such compensation is paid on the basis that land may be used for a particular purpose, the restriction shall, after any subsequent conveyance or disposition of the land, remain unenforceable only so long as the land is used for that purpose.

(1) If the Corporation dispose of any land affected by the restriction suspended under the powers of this section they shall in two successive weeks publish notice thereof in a local newspaper circulating in the locality in which the land is situated.

(2) (a) Nothing in this section shall apply to any restriction for the benefit or protection of, or for securing access to, any operational land or apparatus of any statutory undertaker contained in any deed, wayleave, agreement or other instrument.

(b) In this subsection "operational land" has the same meaning as in section 221 of the Town and Country Planning Act 1962. 1962 c. 38.

(3) In this section the expression "the appropriate Minister" means the Minister of the Crown having power to authorise compulsory purchase of land for the purpose for which the Corporation have acquired or agreed to acquire that land.

(1) (a) The Corporation may use for such time as they think fit lands and buildings within the borough as a terminal for hovercraft, hydrofoil vessels and similar craft or vessels, and may erect or adapt on any such lands, and may maintain and manage buildings, structures, slipways and other works to be used in connection with such hovercraft, hydrofoil vessels and similar craft or vessels and may make reasonable charges in respect of the use of such works. Power to provide facilities for hovercraft, hydrofoil vessels, etc

The Corporation may at any such terminal provide such facilities, appliances and conveniences as may be requisite for the operation, equipment, maintenance, repair and use of such hovercraft, hydrofoil vessels and similar craft or vessels.

(2) Without prejudice to the generality of the provisions of section (1) of this section, the Corporation may exercise the following powers at any terminal provided by them in accordance with the provisions of subsection (1) of this section:—

(a) they may provide and maintain parking places, cloak-rooms, waiting rooms, refreshment rooms, shelters, offices, information bureaux and displays, lavatories, conveniences and other similar accommodation;

PART IV
—cont.

(b) they may make reasonable charges for the use of, or on hire to any person, any accommodation so provided or any building or structure;

(c) they may make regulations as to the use of such park places and accommodation.

(3) In this section—

“hovercraft” means a vehicle which is designed to be supported when in motion wholly or partly by air expelled from the vehicle to form a cushion of which the boundaries include the ground, water or other surface beneath the vehicle;

“hydrofoil vessel” means a vessel, however propelled, designed to be supported on foils.

Power to execute works on seashore.

17.—(1) The Corporation may, on any part of the seashore vested in them or on any other part of the seashore within the borough with the consent of any person having right thereto—

(a) construct landing stages, jetties, footpaths, roads and promenades; and

(b) execute any works for the purpose of preserving, improving and restoring amenity.

(2) Nothing in this section shall authorise the Corporation to construct or execute any works over or in the immediate vicinity of the main river without the consent of the Isle of Wight River and Water Authority which consent shall not be unreasonably withheld and any question as to whether the consent has been unreasonably withheld shall be referred to the Minister of Agriculture, Fisheries and Food for determination.

For protection of British Railways Board and British Rail Hovercraft Limited.

18. In the exercise of the powers of section 16 (Power to provide facilities for hovercraft, hydrofoil vessels, etc.) and section 17 (Power to execute works on seashore) of this Act the Corporation shall ensure that the operation of the shipping services of British Railways Board and hovercraft services of British Rail Hovercraft Limited to and from Ryde Pier are not there by unreasonably impeded.

Boundary walls.

19.—(1) Without prejudice to the provisions of any other enactment, where any building or structure or part of a building or structure is demolished by the Corporation leaving exposed a wall of adjoining premises, the Corporation may—

(a) with the consent of the owner of those adjoining premises carry out at their own expense any works which they consider to be reasonably necessary or desirable for either or both of the following purposes, that is to say, for—

(i) weatherproofing the surface of the wall;

(ii) restoring or improving the appearance of the wall; or

(b) make such contribution, if any, as they think fit towards any expenses incurred by the owner or occupier of those adjoining premises in carrying out works for either or both of the purposes referred to in the foregoing paragraph:

Provided that where in the opinion of the Corporation any consent required for the carrying out of works proposed by them for the purposes mentioned in sub-paragraph (ii) of paragraph (a) of this subsection is unreasonably withheld, and the appearance of the wall in question is, or unless such works are carried out will be detrimental to the general appearance of the area in which the adjoining premises are situate, they may apply to the magistrates' court by way of complaint for an order, and the court may either order the carrying out of the proposed works subject to such conditions, if any, as the court thinks fit, or disallow the carrying out of those works.

(2) An officer or servant of the Corporation, or of their contractor, acting in pursuance of an order of the magistrates' court or of the court of quarter sessions made in pursuance of the foregoing provisions of this section, and after the giving of not less than twenty-four hours' notice to the occupier of the land on which the exposed wall is situated may, at all reasonable times, and on producing if so required, some duly authenticated document showing his authority, enter on such land for the purpose of carrying out in compliance with the said order the works referred to therein.

(3) Nothing in this section, nor the carrying out of any works hereunder, shall impose upon the owner of any such adjoining premises as are referred to in subsection (1) of this section any liability which would not have been imposed upon him if this section had not been enacted and the said works had not been carried out, other than the liability to comply with the terms of any order made by a court under this section.

20. Nothing in this Act affects prejudicially any estate, right, privilege or exemption of the Crown and in particular nothing herein contained authorises the Corporation to take, use or in any manner interfere with any portion of the shore or bed of the sea or of any river, channel, creek, bay or estuary or any land, hereditaments, subjects or rights of whatsoever description belonging to Her Majesty in right of Her Crown and under the management of the Crown Estate Commissioners or belonging to a government department or held in trust for Her Majesty for the purposes of a government department, without the consent in writing of those commissioners on behalf of Her Majesty or, as the case may be, the consent in writing of that government department first had and obtained for that purpose.

PART V

GENERAL

Local inquiries. 21.—(1) Any Minister of the Crown may cause such inquiries to be held as he may consider necessary for the purposes of any of his functions under this Act.

(2) Subsections (2) to (5) of section 290 of the Act of 1936 shall apply in relation to any such inquiry; and for that purpose the definition of "department" in subsection (8) of that section shall include any Minister of the Crown having functions under this Act as well as the Ministers therein mentioned.

Evidence of proceedings, appointments, etc.

22.—(1) In proceedings under any enactment, a document purporting to be certified by the town clerk as a copy of a resolution passed, order made, or report received, by the council or a committee thereof on a specified date, shall be evidence that that resolution, order or report was duly passed, made, or received by the council or committee on that date.

(2) In proceedings under any enactment, a document purporting to be certified as aforesaid as a copy of the appointment of an authority given to, an officer of the council or a committee thereof on a specified date shall be evidence that that appointment was duly made, or that that authority was duly given, by the council or committee on that date.

(3) In this section "officer" includes a servant and an agent.

(4) Section 286 of the Act of 1936, and that section as applied by, or incorporated in, any other enactment, shall cease to apply to the council and its committees.

Restriction on right to prosecute.

23. The written consent of the Attorney-General shall be a requisite for the taking of proceedings in respect of an offence created by or under this Act by any person other than a person aggrieved or the Corporation.

Appeals.

24.—(1) Section 300 of the Act of 1936 shall apply to appeals to a magistrates' court under this Act; and sections 301 and 302 of that Act shall apply accordingly.

(2) Where any requirement, refusal or other decision of the Corporation against which a right of appeal is conferred by this Act—

(a) involves the execution of any work or the taking of any action; or

(b) makes it unlawful for any person to carry on a business which he was lawfully carrying on up to the time of the requirement, refusal or decision, or to use premises for any purpose for which they were lawfully used at that time;

until the time for appealing has expired or, if an appeal is judged, until the appeal is disposed of or withdrawn or fails for want of prosecution—

(i) no proceedings shall be taken in respect of any failure to execute the work or take the action, nor shall the Corporation themselves execute the work or take the action; and

(ii) that person may carry on that business and use those premises for that purpose.

25. Nothing in this Act shall exempt the Corporation from the provisions of—

(a) section 9 of the Harbours Act 1964; or

(b) any Order made under section 1 of the Hovercraft Act 1968;

in relation to the works authorised by this Act.

Saving for Harbours Act 1964 and Hovercraft Act 1968. 1964 c. 40. 1968 c. 59.

26. Section 265 of the Public Health Act 1875 shall apply to the Corporation as if any reference in that section to the Act of 1875 included a reference to this Act and as if any reference in that section to a member of a local authority included a reference to a member of a committee of a local authority.

Protection of members and officers of Corporation from personal liability. 1875 c. 55.

27. The sections of the Act of 1936 mentioned in the Schedule to this Act shall have effect as if references therein to that Act included references to this Act.

Application of general provisions of Act of 1936.

28. All the costs, charges and expenses preliminary to and incidental to the preparing, applying for, obtaining and passing of this Act shall be paid by the Corporation.

Costs of Act.

SCHEDULE

Section 27.

SECTIONS OF ACT OF 1936 APPLIED TO THIS ACT

Section	Marginal note
271	Interpretation of "provide".
283	Notices to be in writing; forms of notices. &c.
288	Penalty for obstructing execution of Act.
296	Summary proceedings for offences.
297	Continuing offences and penalties.
304	Judges and justices not to be disqualified by liability to tax.
328	Powers of Act to be cumulative.
341	Power to apply provisions of Act to Crown property.

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