

[1 EDW. 8. &
1 GEO. 6.]

West Ham Corporation
Act, 1937.

[Ch. xxxv.]



CHAPTER xxxv.

An Act to authorise the mayor aldermen and burgesses of the county borough of West Ham to execute street works and to acquire lands for those and other purposes to extend the time for the completion of certain works and the compulsory acquisition of certain lands to confer further powers upon the Corporation and to make further and better provision for the health local government improvement and finance of the said county borough and for other purposes. A.D. 1937.
[10th June 1937.]

WHEREAS the county borough of West Ham (hereinafter referred to as "the borough") is a county borough under the government of the mayor aldermen and burgesses of the borough (hereinafter referred to as "the Corporation") and the Corporation acting by the council are the urban sanitary authority for the borough :

And whereas it is expedient that the Corporation should be authorised to construct the street widenings and other works by this Act authorised and to acquire lands for those purposes and the other purposes mentioned in this Act :

And whereas the time limited by the West Ham Corporation Act 1931 for the compulsory acquisition by the Corporation of lands for the purposes mentioned

21 & 22
Geo. 5. c. lx.

A.D. 1937. in that Act has expired and it is expedient that the powers conferred by the said Act for such compulsory acquisition should be revived and continued :

20 & 21
Geo. 5.
c. cxciv.

And whereas the time limited by the West Ham Corporation Act 1930 as extended by the National Economy (Road Services) Order 1931 for the completion of certain works authorised by that Act and for the compulsory acquisition of lands therefor is about to expire and it is expedient that the time for such completion and for such acquisition should be extended :

And whereas it is expedient that the provisions contained in this Act with respect to the regulation of employment agencies and premises of hairdressers and barbers and premises used for boxing or wrestling entertainments should be enacted :

And whereas it is expedient that further and better provision should be made for the health local government improvement and finance of the borough and that the powers of the Corporation in regard thereto should be enlarged as by this Act provided :

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

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

And whereas estimates have been prepared by the Corporation of the expense of the works authorised by this Act and the acquisition of lands therefor and such estimates amount to the sum of three hundred and forty-two thousand one hundred and thirteen pounds :

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 by this Act authorised such plans showing also the lands which may be acquired or used compulsorily for or in connection with the said works under the powers of this Act and plans showing the other lands which may be acquired compulsorily by the Corporation under the powers of this Act or for the compulsory acquisition of which powers are revived by this Act together with a book of reference to the said plans containing the names of the owners or reputed

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owners lessees or reputed lessees and of the occupiers of all such lands and describing the same have been deposited with the town clerk of the borough and with the clerk of the county council of the administrative county of Essex which plans sections and book of reference are in this Act respectively referred to as the deposited plans sections and book of reference : A.D. 1937.
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And whereas in relation to the promotion of the Bill for this Act the requirements of Part XIII of the Local Government Act 1933 have been observed :

23 & 24
Geo. 5. c. 51.

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

PART I.

PRELIMINARY.

1. This Act may be cited as the *West Ham Corporation Act 1937.* Short title.

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

Act divided
into Parts.

Part I.—Preliminary.

Part II.—Street works.

Part III.—Lands.

Part IV.—Extensions of time.

Part V.—Employment agencies.

Part VI.—Registration of hairdressers.

Part VII.—Control of boxing and wrestling entertainments.

Part VIII.—Sale of coke &c.

Part IX.—Streets sewers &c.

Part X.—Sanitary provisions.

Part XI.—Food.

Part XII.—Rating.

Part XIII.—Superannuation &c.

Part XIV.—Financial.

Part XV.—Miscellaneous.

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PART I.
—cont.
Incorporation of
Acts.

3. The following Acts and parts of Acts (so far as the same are applicable for the purposes of and are not inconsistent with the provisions of this Act) are incorporated with and form part of this Act (that is to say):—

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

8 & 9 Vict.
c. 18.

(a) Sections 127 to 131 of the Lands Clauses Consolidation Act 1845 (relating to the sale of superfluous lands) are not incorporated with this Act;

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

8 & 9 Vict.
c. 20.

(2) The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof and with respect to works for the accommodation of lands adjoining the railway:

Provided that for the purposes of this Act in the said incorporated provisions of the Railways Clauses Consolidation Act 1845 the expression "the company" means the Corporation and the expressions "the railway" "the centre of the railway" and "the boundaries of the railway" mean respectively the several works by this Act authorised and the centre lines and the boundaries of those works respectively.

Interpre-
tation.

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

4.—(1) In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partly incorporated herewith or by the Public Health Act 1936 have the same respective meanings unless there be something in the subject or context repugnant to such construction.

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

"The borough" means the county borough of West Ham;

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- “ The Corporation ” means the mayor aldermen and burgesses of the borough acting by the council of the borough ; A.D. 1937.
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PART I.
—cont.
- “ The town clerk ” “ the treasurer ” “ the medical officer ” and “ the sanitary inspector ” mean respectively the town clerk the treasurer the medical officer of health and any sanitary inspector of the borough ;
- “ The borough engineer ” means the engineer of the borough and includes any person duly authorised to discharge temporarily the duties of that office ;
- “ The Lands Clauses Acts ” means the Lands Clauses Acts as modified by the Acquisition of Land (Assessment of Compensation) Act 1919 ; 9 & 10
Geo. 5. c. 57.
- “ The tribunal ” means the arbitrator 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 street works ” means the widenings of streets and other works by Part II of this Act authorised ;
- “ The general rate fund ” and “ the general rate ” mean respectively the general rate fund and the general rate of the borough ;
- “ The Minister ” means the Minister of Health ;
- “ The Act of 1922. ” means the Local Government and other Officers’ Superannuation Act 1922 ; 12 & 13
Geo. 5. c. 59.
- “ Food ” has the meaning assigned to that word by section 34 (Definitions) of the Food and Drugs (Adulteration) Act 1928 ; 18 & 19
Geo. 5. c. 31.
- “ Daily penalty ” means a penalty for each day on which an offence is continued by a person after conviction thereof ;
- “ 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

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PART I.
—cont.

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 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 but shall not include the power to borrow by way of temporary loan or overdraft which is conferred by paragraph (a) of subsection (1) of section 215 of the Local Government Act 1933;

“ 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 of the Local Loans Act 1875 but does not include annuities rentcharges or securities transferable by delivery or any securities of the Corporation.

38 & 39 Vict.
c. 83.

PART II.

STREET WORKS.

Power to
construct
works.

5.—(1) Subject to the provisions of this Act the Corporation may make and maintain in the borough in the lines and situations and according to the levels shown on the deposited plans and sections the works hereinafter mentioned together with all necessary or proper works and conveniences connected therewith or incidental thereto.

(2) The works hereinbefore referred to and authorised by this Act are the following (that is to say) :—

Work No. 1 A widening of North Woolwich Road on the northern side thereof between the eastern end of Silvertown Way at Ellesmere

Road and the western end of Silvertown Bypass at Kempton Street; A.D. 1937.

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PART II.
—cont.

Work No. 2 A variation of Water Lane by the widening of portions thereof on both sides or on one side thereof between the southern side of the bridge carrying the said lane over the London and North Eastern Railway and Romford Road.

6. In the construction of the street works the Corporation may deviate from the lines or situations thereof as shown on the deposited plans to any extent not exceeding the limits of deviation shown on those plans and from the levels thereof as shown on the deposited sections to any extent not exceeding three feet either upwards or downwards. Power to deviate.

7. Subject to the provisions of this Act and within the limits of deviation shown on the deposited plans the Corporation in connection with and for the purposes of this Act and as part of the street works may execute or do any of the following works or things (namely):— Power to make subsidiary works.

- (a) make junctions and communications with any existing streets (whether or not they are dedicated to the public use or repairable by the inhabitants at large) intersected or interfered with by or contiguous to the street works or any of them and divert widen or alter the line or alter the level of any such existing street for the purpose of connecting the same with any of the street works;
- (b) execute any works for the protection of any adjoining land or buildings;
- (c) execute any works and do any things necessary for the strengthening and supporting of any walls of adjoining buildings;
- (d) alter or remove any drinking trough lamp-post refuge railings or other structure erected upon any street or land; and
- (e) raise lower alter and interfere with any drain sewer channel or gas or water main or pipe

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PART II.
—cont.

electric line or apparatus providing a proper substitute before interrupting the flow of sewage in any drain or sewer or of gas or water in any main or pipe or of electricity or telephonic communication in any line or apparatus;

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

Power to
alter steps
areas pipes
&c.

8. Within the limits of deviation shown on the deposited plans the Corporation may raise sink or otherwise alter the position of any of the steps areas cellars windows and pipes or spouts belonging to any house or building and may remove all other obstructions so that the same be done with as little delay and inconvenience to the inhabitants as the circumstances of the case will admit and—

(a) until the thirtieth day of September one thousand nine hundred and thirty-seven the provisions of section 308 (Compensation in case of damage by local authority) of the Public Health Act 1875; and

38 & 39 Vict.
c. 55.

(b) on and after the first day of October one thousand nine hundred and thirty-seven the provisions of section 278 (Compensation to individuals for damage resulting from exercise of powers under Act) of the Public Health Act 1936;

shall apply as if the acts done under the authority of this section were done in exercise of the powers of the said Act of 1875 or the said Act of 1936 as the case may be.

Under-
pinning of
houses near
street
works.

9. And whereas in order to avoid in the execution and maintenance of the street works injury to the houses and buildings within one hundred feet of those works it may be necessary to underpin or otherwise strengthen the same therefore the Corporation at their own costs and charges may and if required by the owners or lessees of any such house or building shall subject as hereinafter provided underpin or otherwise strengthen the same and the following provisions shall have effect (that is to say):—

(1) At least ten days' notice shall except in case of emergency be given to the owners lessees

and occupiers or by the owners or lessees of the house or building so intended or so required to be underpinned or otherwise strengthened :

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PART II.
—cont.

- (2) Each such notice if given by the Corporation shall be served in manner prescribed by section 19 of the Lands Clauses Consolidation Act 1845 and if given by the owners or lessees of the premises to be underpinned or strengthened shall be sent to the town clerk :
- (3) If any owner lessee or occupier of any such house or building or the Corporation as the case may require shall within seven days after the giving of such notice give a counter-notice in writing that he or they as the case may be disputes or dispute the necessity of such underpinning or strengthening the question of the necessity shall be referred to the arbitration of an engineer (in this section referred to as " the referee ") to be agreed upon or in the case of difference appointed at the instance of either party by the Minister of Transport and the Arbitration Acts 1889 to 1934 shall apply to the reference :
- (4) The referee shall forthwith upon the application of either party proceed to inspect such house or building and determine the matter referred to him and in the event of his deciding that such underpinning or strengthening is necessary he may and if so required by such owner lessee or occupier shall prescribe the mode in which the same shall be executed and the Corporation may and shall proceed forthwith so to underpin or strengthen the said house or building :
- (5) The Corporation shall be liable to compensate the owners lessees and occupiers of every such house or building for any inconvenience loss or damage which may result to them by reason of the exercise of the powers granted by this section :
- (6) If in any case in which any house or building shall have been underpinned or strengthened

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PART II.
—cont.

on the requisition of the Corporation such underpinning or strengthening shall prove inadequate for the support or protection of the house or building against further injury arising from the execution or use of the works of the Corporation then and in every such case unless such underpinning or strengthening shall have been done in pursuance of and in the mode prescribed by the referee the Corporation shall make compensation to the owners lessees and occupiers of such house or building for such injury provided the claim for compensation in respect thereof be made by such owners within twelve months and by such lessees or occupiers within six months from the discovery thereof :

- (7) Nothing in this section contained nor any dealing with any property in pursuance of this section shall relieve the Corporation from the liability to compensate under section 68 of the Lands Clauses Consolidation Act 1845 or under any other Act :
- (8) Every case of compensation to be ascertained under this section shall be ascertained according to the provisions of the Lands Clauses Acts :
- (9) Nothing in this section shall repeal or affect the application of section 92 of the Lands Clauses Consolidation Act 1845.

Temporary stoppage of streets.

10.—(1) The Corporation during and for the purpose of the execution of the street works may break up and also 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 house in the street from passing along and using the same.

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

Land laid into streets to form part thereof.

11. All lands acquired by the Corporation under this Act and laid into or appropriated as part of any street shall form part of that street and shall be maintained and repaired in all respects as the rest of that

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street is for the time being by law maintained and repaired. A.D. 1937.

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PART II.
—cont.

12. Any paving metalling or material excavated by the Corporation in the construction of any works authorised by this Act from any road under their jurisdiction and control shall absolutely vest in and belong to the Corporation and may be dealt with removed and disposed of by them in such manner as they may think fit. Application of road materials excavated in construction of works.

13. Subject to the provisions of this Act the Corporation may— Carriage-way foot-way sewers and other works.

(a) cause such parts of the street works to be laid out for carriageway and such parts thereof for footway as they may think proper; and

(b) upon or under any existing street within the limits of deviation defined on the deposited plans or any lands acquired by or vested in them under the powers of this Act and within those limits construct erect and provide such vaults cellars arches sewers drains and other works and conveniences as they may think proper for the purposes of or in connection with the street works.

14. Before breaking up or otherwise interfering with any street in connection with the execution of any of the street works the Corporation shall (except in case of emergency) give seven days' notice in writing to the Commissioner of Police of the Metropolis and make such arrangements with the said commissioner as may be reasonably necessary so as to cause as little interference as may be reasonably practicable with the traffic in the street during the construction of such works. For protection of Commissioner of Police.

15. If the street works are not completed on or before the first day of October one thousand nine hundred and forty-two then as from that date the powers of the Corporation under this Act for the execution of the street works shall cease except so far as the same are respectively then completed. Period for completion of street works.

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PART II.
—cont.

For pro-
tection of
Gas Light
and Coke
Company.

16. For the protection of the Gas Light and Coke Company (in this section referred to as "the company") the following provisions shall unless otherwise agreed in writing between the company and the Corporation apply and have effect (that is to say):—

- (1) In this section the expression "apparatus" means mains pipes valves stopcocks or other works or apparatus of the company :
- (2) Notwithstanding anything contained in the sections of this Act of which the marginal notes are "Power to make subsidiary works" and "Application of road materials excavated in construction of works" the Corporation shall at the option of the company either deliver to the company free of charge at such place as they may reasonably appoint or pay to the company the value of all such lamp-posts and other materials of the company as are referred to in those sections Such value shall in case of difference between the company and the Corporation be determined by arbitration :
- (3) Not less than twenty-eight days before commencing any of the street works in any street or road in or under which any apparatus is situate the Corporation shall deliver to the company a plan section and description of such street works describing the proposed manner of executing the works :
- (4) At any time within twenty-one days after the receipt of such plan section and description the company may by notice in writing to the Corporation intimate their disapproval of the proposed manner of executing such street works so far as they involve interference with or might endanger the apparatus or make any reasonable requirements with respect to such plan section or description :

Provided that if the company shall not within the said period of twenty-one days give any such notice to the Corporation as aforesaid they shall be deemed to have approved the plan section and description as submitted :

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(5) The Corporation shall not execute such street works except in accordance with the said plan section and description as so approved by the company or settled by arbitration and subject thereto shall execute such works to the reasonable satisfaction of the company :

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PART II.
—cont.

(6) Any alteration under the provisions of this Act of the position of any apparatus or any protective or substituted works which may be agreed upon between the company and the Corporation or settled by arbitration shall if the company so desire be executed by them provided that the company within twenty-one days after receiving the plan section and description of the work necessitating such alteration or protective or substituted works to be delivered to them by the Corporation under paragraph (3) of this section give notice of their intention so to execute the same and the company shall commence such alteration or protective or substituted works when requested by the Corporation and execute and complete the same with all reasonable dispatch The Corporation shall repay to the company the expense reasonably incurred by the company in executing any alteration or protective or substituted works under the provisions of this paragraph :

(7) If by reason or in consequence of the execution of the street works any damage to any apparatus or property of the company or any interruption in the supply of gas by the company shall be caused the Corporation shall bear and pay the cost reasonably incurred by the company in making good such damage and shall make reasonable compensation to the company for any loss sustained by them :

(8) The Corporation shall bear and pay to the company the amount of any expenses reasonably incurred by the company in or in connection with—

(a) the cutting off of any apparatus of the company from any other apparatus and the connecting of any new or substituted

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PART II.
—cont.

apparatus with any existing apparatus of the company rendered necessary by reason or in consequence of the execution of the street works; or

(b) the removal or any alteration of any communication pipes rendered necessary by reason or in consequence of such execution :

- (9) If any loss of gas shall be sustained by the company by reason of any act or omission of the Corporation or of any of their contractors agents workmen or servants or any person in the employ of them or any of them the Corporation shall pay to the company the value of any gas so lost as aforesaid :
- (10) Notwithstanding the stopping up temporarily or otherwise of any street or part of a street under the powers of this Act the company their engineer workmen and others in their employ shall have all reasonable rights of access to all or any apparatus of the company situate in or under any such street or part of a street as they had immediately before such stopping up and shall be at liberty to execute and do all such works and things in upon or under such street or part of a street as may be necessary for inspecting repairing maintaining renewing or removing such apparatus :
- (11) The company may if they think fit employ watchmen or inspectors to watch and inspect any street work whereby any apparatus of the company will or may be interfered with or affected during the execution thereof and the reasonable expenses thereof shall be borne by the Corporation and paid by them to the company :
- (12) If any question or difference shall arise between the Corporation and the company under this section (other than a difference as to the meaning or construction of this section) such difference shall be settled by arbitration :

(13) The provisions of this section shall be in addition to and not in derogation of any other provisions of this Act or of any enactment incorporated therewith to the benefit of which the company would have been entitled if this section had not been enacted.

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PART II.
—cont.

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

For pro-
tection of
Metropoli-
tan Water
Board.

(1) Not less than twenty-eight days before commencing any of the street works in any street or road in or under which any mains pipes valves hydrants syphons plugs or other works or apparatus of the board (in this section referred to as "apparatus") are situate the Corporation shall deliver to the board a plan section and description of such street works describing the proposed manner of executing the works:

(2) At any time within twenty-one days from the receipt of such plan section and description the board may by notice in writing to the Corporation intimate their disapproval of the proposed manner of executing such street works so far as they involve interference with or endanger the apparatus or make any reasonable requirements with respect to such plan section or description. Any difference between the board and the Corporation under this subsection shall be determined by arbitration as hereinafter provided. Provided that if the board shall not within the said period of twenty-one days give any such notice in writing to the Corporation as aforesaid they shall be deemed to have approved the plan section and description as submitted:

(3) The Corporation shall not execute such street works except in strict accordance with the said plan section and description as so approved by the board or settled by arbitration and subject thereto shall execute such works to the reasonable satisfaction of the board:

A.D. 1937.

PART II.
—cont.

- (4) Any alteration under the provisions of this Act of the position of any apparatus or any protective or substituted works which may be agreed upon between the board and the Corporation or settled by arbitration shall if the board so desire be executed by them provided that the board within twenty-one days of receiving the plan section and description of the work necessitating such alteration or protective or substituted works to be delivered to them by the Corporation under subsection (1) of this section give notice of their intention so to execute the same and the board shall commence such alteration or protective or substituted works when requested by the Corporation and execute and complete the same with all reasonable dispatch. The Corporation shall repay to the board the expense reasonably incurred by the board in executing any alteration or protective or substituted works under the provisions of this subsection:
- (5) If in the exercise of any of the powers of this Act the Corporation alter the level of any street so as to leave over any apparatus a cover of—
- (a) more than five feet or the existing cover whichever is the greater; or
 - (b) less than three feet or the existing cover whichever is the less;
- the board may relay such apparatus at such depth that the cover over such apparatus will not be—
- (a) more than five feet or the existing cover whichever is the greater; or
 - (b) less than three feet or the existing cover whichever is the less;
- and the Corporation shall repay to the board the expenses reasonably incurred by them in so doing:
- (6) The Corporation shall make good all damage done by them to any apparatus in the exercise of the powers of this Act and shall indemnify the board against all claims demands proceedings costs damages and expenses which

may be made or taken against the board or which the board may incur by reason of any interruption in the supply of water by the board or any interference with any apparatus resulting from such exercise :

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PART II.
—cont.

- (7) If any loss of water shall be sustained by the board by reason of any act or omission of the Corporation or of any of their contractors agents workmen or servants or any person in the employ of them or any of them the Corporation shall pay to the board the value of any water so lost as aforesaid :
- (8) Notwithstanding the stopping up temporarily or permanently of any street or cul-de-sac or the closing temporarily to vehicular traffic of any street under the powers of this Act the board their officers and workmen and others in their employ shall have all reasonable rights of access to all or any apparatus situate in or under any such street or cul-de-sac as they had immediately before the passing of this Act and shall be at liberty to execute and do all such works and things in upon or under such street or cul-de-sac as may be necessary for inspecting repairing maintaining removing or renewing such apparatus :
- (9) The board may if they think fit employ such watchmen or inspectors as they may reasonably deem necessary to watch and inspect the execution of any works under the powers of this Act so far as such works affect any apparatus and the reasonable wages of such watchmen or inspectors shall be borne by the Corporation and be paid by them on demand to the board :
- (10) The expenses of all repairs or renewals of any apparatus which may be rendered reasonably necessary by or in consequence of subsidence resulting from the works of the Corporation whether during the construction of such works or at any time within twelve months thereafter shall be borne by the Corporation and paid by them on demand to the board :
- (11) If under the powers of this Act the Corporation widen the carriageway of any street so as to

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PART II.
—cont.

extend over any apparatus which before such widening was situate under the footway of such street the board where it is reasonably necessary for preventing injury to such apparatus from vehicular traffic may according as the Corporation direct either—

(a) relay such apparatus under the altered footway; or

(b) lower such apparatus so as to provide adequate protection against such injury;

and the Corporation shall repay to the board the expense reasonably incurred by them in so doing :

(12) Notwithstanding anything in this Act or on the deposited plans the Corporation shall not enter upon take or interfere with any apparatus of the board situate in or under the lands described in Part I of the First Schedule to this Act and nothing in this Act shall authorise the Corporation to construct any work or do any act or thing on such lands which would injure or endanger or impede the access to any such apparatus for the purpose of inspecting repairing maintaining removing or renewing such apparatus :

(13) If any difference shall arise between the Corporation and the board under this section (other than a difference as to the construction or meaning of this section) such difference shall be settled by arbitration.

Saving for
London
Passenger
Transport
Board.

25 & 26 Geo. 5.
c. cx.

For pro-
tection of
London
and North
Eastern
Railway
Company.

18. Nothing in this Part of this Act shall entitle the Corporation to break up or interfere with any trolley vehicle apparatus belonging to the London Passenger Transport Board Provided that nothing in this section shall alter or affect the rights of the Corporation under the proviso to subsection (1) of section 8 (As to electrical works) of the London Passenger Transport Act 1935.

19. Notwithstanding anything in this Act or shown on the deposited plans and sections the following provisions shall unless otherwise agreed in writing between the Corporation and the London and North Eastern Railway Company (in this section referred to

as "the company") apply and have effect (that is to say) :— A.D. 1937.

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PART II.
—cont.

(1) The Corporation shall not without the consent of the company enter upon take or use any lands works or property of the company for the purpose of constructing Work No. 1 by this Act authorised :

(2) The said work so far as the same will be constructed on the properties numbered on the deposited plans 116 to 125 inclusive in the county borough of West Ham (in this section referred to as "the said work") shall be constructed in such line or situation within the limits of deviation shown upon the deposited plans as shall be approved by the engineer of the company (in this section called "the engineer") and so as in no way to obstruct impede or interfere with the free uninterrupted and safe user of the railway of the company known as the Silvertown Tramway or with the traffic thereon and if any such obstruction or interference shall be caused or take place by or in consequence of the construction of the said work the Corporation shall notwithstanding any approval as aforesaid pay to the company all reasonable costs and expenses to which they may be put as well as full compensation for any loss sustained by them by reason of any such interruption or interference :

(3) The Corporation shall twenty-eight days before they commence the construction of any part of the said work furnish to the company proper and sufficient plans sections drawings and specifications thereof for the approval of the engineer Provided that if the engineer shall not signify his disapproval of such plans sections drawings and specifications within twenty-eight days after they shall have been submitted to him he shall be deemed to have approved thereof :

(4) The said work shall be executed under the superintendence (if such be given) and to the approval of the engineer and the Corporation shall bear and pay to the company all reasonable

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PART II.
—cont.

costs charges and expenses incurred by the company in respect of such superintendence and the reasonable expenses of the employment by the company of a sufficient number of inspectors watchmen and signalmen to be appointed by them (including any compensation payable to any workmen or their legal representatives or dependants in respect of the injury or death of such workmen whilst so employed) for inspecting watching lighting or signalling the said railway with reference to and during the period of construction renewal or repair of the said work (as the case may be) and for preventing as far as may be all interference obstruction danger or accident arising from any of the operations of the Corporation or from the acts or defaults of their contractors or of any person or persons in their employ or otherwise :

- (5) The Corporation shall be responsible for and make good to the company all reasonable costs charges losses damages and expenses which may be occasioned to the railway works or property of the company by reason of the construction of the said work or of any act or omission of the Corporation or of any person or persons in their employ or of their contractors or others or which may be occasioned to the company by reason of any accident or mishap affecting the traffic on the said railway during or arising out of the construction of the said work and the Corporation shall effectually indemnify the company from all claims and demands upon or against them by reason of such construction or of any such act or omission :

Provided that the fact that any work or thing has been done in accordance with any plan section drawing or specification approved by the engineer or in accordance with any requirement of the engineer or under his superintendence shall not excuse the Corporation from any liability for damage as aforesaid or affect any claim of the company for injury to the said railway or the traffic thereon :

(6) During the construction of the said work the Corporation shall provide reasonable means of access for vehicular and pedestrian traffic from North Woolwich Road over the roadways crossing the company's said railway :

A.D. 1937.

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PART II.
—cont.

(7) The consent or approval of the company or the engineer under subsections (1) (2) (3) or (4) hereof shall not be unreasonably withheld :

(8) For the purpose of constructing Work No. 2 by this Act authorised the Corporation shall not except by agreement enter upon take or use any lands works or property of the company nor any lands which the company are authorised to acquire in terms of section 19 and section 22 (10) of the London and North Eastern Railway (London Transport) Act 1936 :

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

(9) If any difference shall arise between the Corporation and the company in respect of any of the matters referred to in this section the same shall be referred to and determined by an arbitrator to be appointed (failing agreement) at the request of either party after notice in writing to the other by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Acts 1889 to 1934 or any statutory re-enactment or modification thereof shall apply to any such reference and determination.

PART III.

LANDS.

20. Subject to the provisions of this Act the Corporation may enter upon take and use such of the lands delineated on the deposited plans and described in the deposited book of reference as they may require for and in connection with the construction of the street works and for the provision of space for the erection of buildings adjoining or near to such works or for the purposes of recoupment reinstatement or exchange or for other purposes of this Act.

Power to
take lands
for street
works and
other
purposes.

A.D. 1937.

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PART III.
—cont.

Power to
acquire
additional
lands for
certain
purposes.

21.—(1) Subject to the provisions of this Act the Corporation may enter upon and take the lands in the borough respectively described in Parts I II and III of the First Schedule to this Act and the lands partly in the borough and partly in the borough of Leyton in the county of Essex described in Part IV of the said schedule which are delineated upon the deposited plans and described in the deposited book of reference and may hold and use—

- (a) such of the said lands as are described in the said Part I for the purpose of the exercise of the powers and duties of the Corporation under the Education Acts 1921 to 1936;
- (b) such of the said lands as are described in the said Part II for the widening of West Ham Lane;
- (c) such of the said lands as are described in the said Part III for the erection of dwelling-houses for rehousing persons of the working class displaced by the execution of the works authorised by this Act or the exercise of the powers of this Act;
- (d) such of the said lands as are described in the said Part IV for the benefit and improvement of the borough in accordance with the provisions of subsection (2) of this section.

(2) The Corporation may improve level and drain the said lands described in Part IV of the First Schedule to this Act or so much thereof as they shall from time to time have acquired and may thereafter in such manner as shall be approved by the Minister develop and lay out the said lands and construct provide or lay thereon therein or thereunder roads footpaths and sewers and may appropriate and use the said lands for any purpose for which they are authorised to acquire lands and which shall be approved by the Minister.

(3) Nothing in this section shall prejudice or affect any rights powers or interests of—

- (a) the Lee Conservancy Catchment Board with respect to the said lands described in Part IV

[1 EDW. 8. & *West Ham Corporation* [Ch. xxxv.]
1 GEO. 6.] Act, 1937.

of the First Schedule to this Act and the rivers
and streams thereto adjoining; or

A.D. 1937.

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PART III.

—cont.

(b) the Lee Conservancy Board with respect to the
discharge of liquid or solid matter into the
river Lee or its tributaries as defined by section 3
of the Lee Conservancy Act 1868;

31 & 32 Vict.
c. cliv.

and the Corporation shall not under the powers conferred
by this section interfere with any river sewer drain pipe
watercourse river wall defence or other work under the
jurisdiction or control of the said catchment board and
situate on the said lands except with the consent of that
board which consent shall not however be unreasonably
withheld.

Any question whether the consent of the catchment
board under this subsection has been unreasonably
withheld shall be referred to arbitration.

22. If there is any omission misstatement or wrong
description of any lands or of the owners lessees or
occupiers of any lands shown on the deposited plans or
specified in the deposited book of reference the Corporation
after giving ten days' notice to the owners lessees and
occupiers of the land in question may apply to two
justices having jurisdiction in the place in which the lands
are situate for the correction thereof and if it appears
to the justices that the omission misstatement or wrong
description arose from mistake they shall certify the same
accordingly and they shall in their certificate state
the particulars of the omission and in what respect
any such matter is misstated or wrongly described
and if the lands are situated in the borough such
certificate or a copy thereof shall be deposited with
the town clerk and if the lands are situate in the borough
of Leyton such certificate or a copy thereof shall
be deposited with the clerk of the county council of the
administrative county of Essex and a duplicate thereof
shall be deposited with the town clerk of the said
borough of Leyton and such certificate or copy and dupli-
cate respectively shall be kept by the town clerk or the
said clerks (as the case may be) with the other documents
to which the same relate and thereupon the deposited
plans and book of reference shall be deemed to be corrected
according to the certificate and it shall be lawful for

Correction
of errors in
deposited
plans and
book of
reference.

A.D. 1937. the Corporation to take the lands and execute the works
in accordance with the certificate.

PART III.

—cont.

Owners may
be required
to sell parts
only of
certain
premises.

23. Whereas in the construction of the works authorised by this Act or otherwise in the exercise by the Corporation of the powers of this Act it may happen that portions only of certain properties shown or partly shown on the deposited plans will be sufficient for the purposes of the Corporation and that such portions or some other portions less than the whole can be severed from the remainder of the said properties without material detriment thereto therefore the following provisions shall have effect :—

- (1) The owner of and persons interested in any of the properties whereof the whole or part is described in the Second Schedule to this Act and whereof a portion only is required for the purposes of the Corporation or each or any of them are or is hereinafter in this section included in the term “the owner” and the said properties are hereinafter referred to collectively as “the scheduled properties” and severally as a “scheduled property” :
- (2) If for twenty-one days after the service of notice to treat in respect of a specified portion of any of the scheduled properties the owner shall fail to notify in writing to the Corporation that he alleges that such portion cannot be severed from the remainder of the property without material detriment thereto he may be required to sell and convey to the Corporation such portion only without the Corporation being obliged or compellable to purchase the whole the Corporation paying for the portion so taken and making compensation for any damage sustained by the owner by severance or otherwise :
- (3) If within such twenty-one days the owner shall by notice in writing to the Corporation allege that such portion cannot be so severed the tribunal shall in addition to the other questions required to be determined by it determine whether the portion of the scheduled property specified in the notice to treat can be severed from the remainder without material detriment

thereto and if not whether any and what other portion less than the whole (but not exceeding the portion over which the Corporation have compulsory powers of purchase) can be so severed :

A.D. 1937.

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PART III.
—cont.

- (4) If the tribunal determine that the portion of the scheduled property specified in the notice to treat or any such other portion as aforesaid can be severed from the remainder without material detriment thereto the owner may be required to sell and convey to the Corporation the portion which the tribunal shall have determined to be so severable without the Corporation being obliged or compellable to purchase the whole the Corporation paying such sum for the portion taken by them including compensation for any damage sustained by the owner by severance or otherwise as shall be awarded by the tribunal :
- (5) If the tribunal determine that the portion of the scheduled property specified in the notice to treat can notwithstanding the allegation of the owner be severed from the remainder without material detriment thereto the tribunal may in its absolute discretion determine and order that the costs charges and expenses incurred by the owner incident to the determination of any matters under this section shall be borne and paid by the owner :
- (6) If the tribunal determine that the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder without material detriment thereto (and whether or not it shall determine that any other portion can be so severed) the Corporation may withdraw their notice to treat and thereupon they shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice :
- (7) If the tribunal determine that the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder without material detriment thereto but that any such other portion as aforesaid can be so severed the Corporation in case they shall not withdraw

A.D. 1937.

PART III.
—cont.

the notice to treat shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice or such portion thereof as the tribunal shall having regard to the circumstances of the case and its final determination think fit.

The provisions of this section shall be in force notwithstanding anything contained in the Lands Clauses Consolidation Act 1845 and nothing contained in or done under this section shall be held as determining or as being or implying an admission that any of the scheduled properties or any part thereof is or is not or but for this section would or would not be subject to the provisions of section 92 of the Lands Clauses Consolidation Act 1845.

The provisions of this section shall be stated in or endorsed on every notice given thereunder to sell and convey any of the scheduled properties.

Power to enter upon property for survey and valuation.

24. The Corporation and their surveyors officers and workmen and any person duly authorised in writing under the hand of the town 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.

25. 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 one thousand nine hundred and thirty-six 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.

[1 EDW. 8. & West Ham Corporation [Ch. xxxv.]
1 GEO. 6.] Act, 1937.

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

A.D. 1937.

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PART III.
—cont.

Benefits to be set off against compensation.

27. 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 Corporation 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 this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Persons under disability may grant easements &c.

28. The Corporation may subject to the provisions of this Act enter into and carry into effect agreements with any person being the owner of or interested in any lands houses or property abutting on any portion of the street works or of the lands which the Corporation may acquire under the powers of this Act with respect to the sale by the Corporation to such person of any lands or property (including any part of a street or thoroughfare appropriated by the Corporation under the powers of this Act and not required for the street works) for such consideration as may be agreed upon between the Corporation and such person and the Corporation may accept as satisfaction of the whole or any part of such consideration the grant by such person of any lands or property required by the Corporation for the purposes of this Act.

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

29. The powers of the Corporation of purchasing lands by agreement shall be deemed to extend to and to authorise the purchase by the Corporation by agreement of any lands which they may think it desirable to

Purchase of lands for exchange.

A.D. 1937.

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PART III.
—cont.

Power to
reinstate
owners of
property.

purchase in order to provide substituted sites or facilities for any persons whose lands may be acquired by them for the purposes of this Act.

30. The Corporation may enter into and carry into effect agreements and arrangements with the owners of or other persons interested in any lands or buildings which may be acquired under the provisions of this Act or which may be in the neighbourhood of the street works or any of them with respect to the reinstatement of any such owners or other persons and with respect to the exchange of lands for that purpose and the Corporation may pay or receive money for equality of exchange.

Limit of
time for
compulsory
purchase of
lands.

31. The powers of the Corporation for the compulsory purchase of lands under this Act shall cease on the first day of October one thousand nine hundred and forty-two.

Extinction
of private
rights of
way.

32.—(1) All private rights of way over any lands which the Corporation are authorised by this Act to acquire compulsorily shall as from the date of the acquisition of such lands by the Corporation be extinguished.

(2) Provided that the Corporation shall make full compensation to all persons 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.

Revival of
powers for
compulsory
purchase of
certain
lands.

21 & 22
Geo. 5.
c. lx.

33. The powers conferred upon the Corporation by the West Ham Corporation Act 1931 for the compulsory purchase of such of the lands described in Part I of the First Schedule to that Act as are delineated on the deposited plans and described in the deposited book of reference are hereby revived and continued and may subject to the provisions of the said Act of 1931 be exercised by the Corporation at any time before the first day of October one thousand nine hundred and forty but on that date the powers of compulsory purchase of the said lands shall cease except so far as such powers shall then have been exercised.

Power to
develop
lands.

34.—(1) The Corporation may (with the consent of the Minister) lay out and develop any lands at any time belonging to the Corporation and not required

[1 EDW. 8. & West Ham Corporation [Ch. xxxv.]
1 GEO. 6.] Act, 1937.

for the purposes for which they were acquired and may erect and maintain houses shops offices warehouses and any other buildings and construct sewer drain pave flag channel and kerb streets roads and ways on any of such lands.

A.D. 1937.

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PART III.
—cont.

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

35. Where the Corporation are the owners in possession of all lands (other than land forming part of a highway repairable by the inhabitants at large) abutting upon any cul-de-sac situate upon any lands acquired by them under the powers of this Act they may stop up such cul-de-sac and thereupon all rights of way thereover shall be extinguished :

Power to
stop up
culs-de-sac.

Provided that the Corporation shall make full compensation in respect of any private rights of way extinguished under this section 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.

36. The Corporation on selling any lands may reserve to themselves all or any part of the water rights or other rights or easements belonging thereto and may make the sale subject to such reservation accordingly and may also make any such sale subject to such other reservations special conditions restrictions and provisions with respect to the exercise of noxious trades or the discharge or deposit of manure sewage or other impure matter and otherwise as they may think fit.

Reserva-
tion of
easements
&c.

37.—(1) So long as any lands remain to be acquired by the Corporation under the authority of this Act they may (so far as they consider necessary) apply 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 in the purchase of lands so remaining to be acquired but as to capital moneys so received and not so applied the Corporation shall apply the same in or towards the extinguishment of any loan raised by them under the powers of this Act and such application shall be in addition to and not in substitution for any other mode of extinguishment provided

Proceeds of
sale of
surplus
lands.

A.D. 1937. by this Act except to such extent and upon such terms
as may be approved by the Minister.

PART III.
—cont.

(2) Provided that—

(a) the amount to be applied in the purchase of lands under this section shall not exceed the amount for the time being unexhausted of the borrowing powers exercisable under the provisions of this Act for the purpose of such purchase;

(b) the borrowing powers conferred by this Act for the purpose of such purchase shall be reduced to the extent of the amount applied in the purchase of lands under the provisions of this section.

Powers with
reference
to leases
of surplus
lands.

38.—(1) The Corporation may accept a surrender of any lease or letting granted by them of lands acquired under the powers of this Act 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 such lands as aforesaid.

(2) The Corporation 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 Corporation 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 Corporation in their discretion.

For pro-
tection of
Clay and Son
Limited.

39. For the protection of Clay and Son Limited or other the owner or owners of the properties mentioned in subsection (1) of this section (all of whom are in this section referred to as and included in the expression “the owner”) the following provisions shall unless otherwise agreed in writing between the Corporation and the owner have effect (that is to say):—

(1) If the Corporation do not within two years from the date of the passing of this Act serve upon the owner notice to treat for the purchase

of the properties numbered on the deposited plans 271 to 282 (inclusive) in the borough (hereinafter referred to as "the said properties") the powers of the Corporation of purchasing the said properties or any of them compulsorily under this Act shall cease on the expiration of the said period of two years :

A.D. 1937.

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PART III.

—cont.

(2) (a) If the Corporation serve notice to treat upon the owner in respect of the said properties or any of them no further step shall be taken in pursuance of or in connection with such notice until after the completion of the removal and transfer in accordance with paragraph (e) of this subsection of the business of the owner to the new site hereinafter referred to ;

(b) Within three months after the service of the said notice to treat the Corporation shall convey to the owner without payment and the owner shall accept a conveyance of a site (in this section referred to as "the new site") containing an area of four acres or thereabouts to be approved by the owner (which approval shall not be unreasonably withheld) ;

(c) the owner shall as soon as reasonably practicable after the service of the said notice to treat and in any case not later than six months after such service submit to the Corporation for their reasonable approval plans specifications designs and particulars of works apparatus and machinery (hereinafter referred to as "the new works") to be erected and installed on the new site suitable for the business of an artificial manure manufacturer as carried on by the owner on the said property numbered 282 and of a productive capacity equivalent to the productive capacity as at the thirty-first day of March one thousand nine hundred and thirty-seven of the existing works of the owner on the said property (hereinafter referred to as "the existing works") Provided that if the Corporation do not within twenty-eight days after the submission to them of the said plans specifications designs and particulars

A.D. 1937.

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PART III.
—cont.

signify in writing to the owner their disapproval thereof they shall be deemed to have approved the said plans specifications designs and particulars and if within the said period of twenty-eight days they signify to the owner their disapproval of the said plans specifications designs and particulars or make any requirement with respect thereto with which the owner is unwilling to comply a difference shall be deemed to have arisen between the owner and the Corporation which difference shall be settled by arbitration in manner hereinafter provided;

(d) As soon as reasonably practicable after the said plans specifications designs and particulars are approved by the Corporation or settled by arbitration as aforesaid or after the conveyance to the owner of the new site in accordance with paragraph (b) of this subsection (whichever of those events shall last occur) the owner shall proceed to erect and with all reasonable dispatch complete the erection and installation of the new works in accordance with the said plans specifications designs and particulars as approved or settled as aforesaid;

(e) Within three months after the completion of the erection and installation of the new works in accordance with paragraph (d) of this subsection the owner shall remove and transfer the business carried on by him at the existing works from those works to the new works Provided that such removal shall not take place during the months from January to August inclusive :

- (3) If the owner carries on in the new works the business of artificial manure manufacturers (including blood boiling in connection therewith) any consent of the Corporation required for the legitimate carrying on of such business shall be deemed to have been given :
- (4) The Corporation shall from time to time on the written request of the owner pay to him such sum or sums as may be reasonably necessary

for the purposes of the erection and installation of the new works in accordance with the plans specifications designs and particulars as approved or settled as aforesaid :

A.D. 1937.

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PART III.
—cont.

(5) Nothing in this section shall affect the payment by the Corporation to the owner of full compensation as found to be due under the Acquisition of Land (Assessment of Compensation) Act 1919 for the compulsory purchase of the said properties and disturbance of the business of the owner save that such compensation shall be reduced by the value of the existing works and an area of land equivalent to the area of the new site :

(6) (a) If the Corporation give to the owner notice in writing alleging that the owner has unreasonably delayed the taking of any step required by this section to be taken by him then unless within one month after the receipt of such notice the owner proceeds to take that step a difference shall be deemed to have arisen between the Corporation and the owner which shall be referred to arbitration ;

(b) If the arbitrator shall determine that the owner has so unreasonably delayed as aforesaid then as from the date of the award of the arbitrator the provisions of paragraph (a) of subsection (2) of this section shall cease to have effect :

(7) Any difference arising between the Corporation and the owner under subsection (2) or subsection (4) of this section shall be referred to arbitration.

PART IV.

EXTENSIONS OF TIME.

40.—(1) The time limited by the West Ham Corporation Act 1930 as extended by the National Economy (Road Services) Order 1931 made under the National Economy Act 1931 for the completion of Works Nos. 1 2 3 4 5 6 8 9 10 11 12 and 13 described in and authorised by the said Act of 1930 is

Extensions of time.
20 & 21
Geo. 5.
c. cxciv.
21 & 22
Geo. 5. c. 48.

A.D. 1937. hereby further extended until the first day of October one thousand nine hundred and forty-two.

PART IV.
—cont.

(2) The time limited by the said Act of 1930 as extended as aforesaid for the compulsory acquisition of lands and easements for the execution of Works Nos. 12 and 13 described in and authorised by the said Act of 1930 is hereby further extended until the first day of October one thousand nine hundred and forty.

PART V.

EMPLOYMENT AGENCIES.

Definition of
“employment
agency.”

41. In this Part of this Act the expression “employment agency” means any agency or registry in the borough carried on or represented as being or intended to be carried on (whether for the purpose of gain or reward or not) for or in connection with the employment of persons in any capacity:

Provided that the following shall not be deemed to be employment agencies within the meaning of this Part of this Act:—

9 Edw. 7.
c. 7.

(a) any employment agency conducted by or under the direction and supervision of the Ministry of Labour under the Labour Exchanges Act 1909 or any other Act of Parliament; or

11 & 12
Geo. 5. c. 51.

(b) any juvenile employment bureau conducted by the local education authority under the Education Act 1921; or

(c) any employment agency which is carried on exclusively for the purpose of obtaining employment for—

(i) persons formerly members of His Majesty's Naval Military or Air Forces; or

(ii) persons released from a prison or Borstal Institution or from an approved school within the meaning of the Children and Young Persons Act 1933;

23 & 24
Geo. 5. c. 12.

and which is for the time being certified by the Admiralty or the Army Council or the Air Council or the Secretary of State (as the case may be) to be properly conducted; or

- (d) any duly constituted religious or charitable society or body operating throughout Great Britain to the main objects of which the provision of situations or employment is merely subsidiary Any question whether a society or body is a society or body within the meaning of this paragraph shall be determined by the Charity Commissioners; or
- (e) any employment registry kept by a person for the employment of persons by himself in his own business or kept by a company for the employment of persons by a subsidiary company as defined in the Companies Act 1929 for the business of such subsidiary company.

A.D. 1937.
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PART V.
—cont.

19 & 20
Geo. 5. c. 23.

42. As from the commencement of this Part of this Act no person shall carry on an employment agency without a licence from the Corporation authorising him so to do.

Employment agencies to be licensed.

43.—(1) A person requiring a licence or the renewal of a licence under this Part of this Act shall make application in writing to the Corporation stating—

Application for licence for employment agency.

- (a) his full name age and nationality;
- (b) his private address or if the application be made by or on behalf of a company society association or body the registered or principal office (if any) of such company society association or body and so far as may reasonably be required the names and private addresses of the directors or other persons directly or indirectly responsible for the management of such company society association or body;
- (c) the name under which and the address at which the employment agency is carried on or proposed to be carried on;
- (d) the nature of the employment agency;
- (e) whether and if so to what extent he is or has been interested in any other employment agency; and
- (f) such further information (if any) as the Corporation may reasonably require with respect to the person or premises to be licensed.

A.D. 1937.
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 PART V.
 —cont.

(2) The person making an application under this section shall when making the application pay to the Corporation such fee as the Corporation may fix not exceeding—

	£	s.	d.
(a) in respect of the grant of a licence -	2	2	0
(b) in respect of the renewal of a licence	1	1	0

and the fees paid on any application for the grant or renewal of a licence may be retained by the Corporation whether such licence is or is not granted or renewed.

(3) An applicant for a licence or renewal of a licence under this section shall give not less than twenty-one days' notice in writing of his intention to make such application to the chief officer of police of the police district in which the premises to which the application relates are situate.

(4) Subject to the foregoing provisions of this section the Corporation may make such regulations as they think fit as to the manner in which and the dates at which applications for a licence or the renewal of a licence under this Part of this Act shall be made.

Grant of
 licence for
 employ-
 ment
 agency.

44.—(1) The Corporation shall as soon as reasonably practicable after the receipt of an application under this Part of this Act grant or renew a licence to the applicant to carry on an employment agency of the description and in the name and at the address specified in the application and may attach such conditions thereto as they may consider reasonably necessary for securing the due notification to them of any change in the name or private address of the licensee and generally for securing the proper conduct of the employment agency :

Provided that the Corporation may refuse to grant or renew a licence or may revoke a licence granted—

- (a) to any person under the age of twenty-one years; or
- (b) to any person who may be unsuitable to hold such a licence; or
- (c) in respect of any premises which are unsuitable for the purposes of an employment agency; or

(d) in respect of any employment agency which has been or is being improperly conducted; or

(e) in respect of any employment agency which is being carried on in contravention of the provisions of this Part of this Act or any byelaw made thereunder.

(2) If the Corporation refuse to grant or renew a licence or revoke a licence under this Part of this Act they shall if required by the applicant or holder (as the case may be) send or deliver to him within seven days of the receipt of such requirement particulars in writing of the ground or grounds for such refusal or revocation.

(3) Where an application is made for the renewal of a licence and objections have been taken to such renewal or where it is proposed to revoke a licence notice in writing to that effect shall at least seven days before the question of renewal or revocation is considered be given to the applicant or holder of the licence and if within three days after the receipt of this notice the applicant or holder requires to be heard the application shall not be refused or the licence revoked unless the Corporation have afforded him an opportunity of being heard against the refusal or revocation.

Any notice served under this subsection shall state the objections to renewal or the grounds on which revocation is proposed and shall notify the aforesaid right of being heard and also the effect of subsection (2) of this section and the right of appeal conferred by the section of this Act of which the marginal note is "As to appeals" and the time within which such appeal may be brought.

(4) Every licence granted or renewed as aforesaid shall (unless revoked) be valid until the date of the next annual meeting fixed for the purpose of considering applications under this Part of this Act and no longer.

45.—(1) The Corporation may make byelaws requiring any person holding a licence under this Part of this Act to keep (at his option) either books cards or forms showing the business conducted by him so far as it relates to his employment agency and prescribing entries to be made in connection with such business in such books or on such cards or forms (as the case may be) and for the prevention of fraud and immorality in the conduct

A.D. 1937.

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PART V.
—cont.

Byelaws
as to
employ-
ment
agencies.

A.D. 1937. of employment agencies and for regulating any premises
used for the purposes of or in connection with such
agencies.

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PART V.
—cont.

(2) Every person holding a licence under this Part of this Act shall keep exhibited in a suitable place (to be approved by the Corporation) in the premises to which the licence relates a copy of the byelaws made by the Corporation under this section.

Powers of
entry and
inspection.

46. Any officer of or other person duly authorised by the Corporation in that behalf may—

- (a) enter the premises specified in any licence or application under this Part of this Act or any premises which are used or which such officer or person has reasonable cause to believe are used for the purposes of or in connection with an employment agency; and
- (b) inspect such premises and the books cards or forms kept in connection with the employment agency carried on at those premises.

Penalties
for offences
in respect
of employ-
ment
agencies.

47.—(1) Subject to the provisions of this Act every person who carries on an employment agency without a licence under this Part of this Act or otherwise than in accordance with the terms and conditions of such licence or obtains a licence or the renewal of a licence by wilful misrepresentation or by wilfully omitting to give such particulars as are required by this Part of this Act to be given shall be liable to a penalty not exceeding fifty pounds and to a daily penalty not exceeding twenty pounds and in respect of a second or subsequent offence the court may in lieu of or in addition to inflicting a fine impose any term of imprisonment not exceeding three months.

(2) Subject as aforesaid every person who—

- (a) refuses to permit any officer or person duly authorised by the Corporation to enter or inspect any premises which such officer or person is authorised under the provisions of this Part of this Act to enter and inspect or obstructs any such officer or person in the execution of his duty under such provisions or under the provisions of any byelaw made thereunder; or

- (b) contravenes the provisions of any byelaw made under this Part of this Act; or
- (c) issues publishes or displays or causes to be issued published or displayed any advertisement relating to an employment agency which is not licensed in accordance with the provisions of this Part of this Act after the expiration of a period of seven days from the receipt of notice in writing from the Corporation that the licence relating to such agency has expired or has been refused or revoked under the provisions of this Part of this Act;

A.D. 1937.

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PART V.
—cont.

shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding two pounds.

(3) In respect of any conviction for an offence under this Part of this Act, the court may (in lieu of or in addition to imposing a penalty) make an order revoking the licence (if any).

48. Where any company within the meaning of the Companies Act 1929 commits any offence for which a penalty is provided by this Part of this Act proceedings may be taken in respect of such offence against all or any of the directors and managers and against the secretary of such company as well as or instead of against the company and every such director manager and secretary shall be liable on conviction to the like penalty as if he or they were the person committing the offence unless he proves to the satisfaction of the court—

Directors of companies to be liable for penalties under Part V of Act.

- (a) that the act which constituted the offence took place without his knowledge or consent; and
- (b) that he was not guilty of any negligence in regard to securing the proper execution of this Part of this Act.

PART VI.

REGISTRATION OF HAIRDRESSERS.

49.—(1) As from the commencement of this Part of this Act every person who shall within the borough carry on the trade or business of a hairdresser or barber shall register his name and place of abode and also the premises in which such trade or business is carried on

Registration of hairdressers' and barbers' premises.

A.D. 1937. in a book to be kept at the offices of the Corporation
for the purpose.

PART VI.
—cont.

(2) The Corporation may make byelaws for the purpose of securing the cleanliness of any premises registered under this section and of the instruments towels and materials used in such premises.

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

(4) (a) Any officer of the Corporation or other person duly authorised in writing in that behalf by the Corporation and if so required exhibiting his authority shall at all reasonable times be afforded by the person registered full and free power of entry into the registered premises for the purpose of inspecting such registered premises and examining whether there is any contravention of the provisions of this section or any byelaw made thereunder and any such officer or person as aforesaid shall have the like power of entry into any premises in the borough in which the Corporation may have reasonable cause to suppose that the said trade or business is being carried on.

(b) Every person who refuses to permit any officer or authorised representative of the Corporation to enter or inspect any premises which such officer or authorised representative is authorised under the provisions of this section to enter or inspect or obstructs any such officer or representative in the execution of his duty under such provisions or under the provisions of any byelaw made under this Part of this Act shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding two pounds.

(5) Any person carrying on such trade or business as aforesaid whose name place of abode and premises in which such trade or business is carried on have not been registered in accordance with subsection (1) of this section or acting in contravention of any of the provisions of this section or of any byelaw made thereunder shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings and a court of summary jurisdiction may (in lieu of or in addition to imposing a penalty) order the suspension or cancellation of the registration.

PART VII.

A.D. 1937.

CONTROL OF BOXING AND WRESTLING
ENTERTAINMENTS.

50.—(1) As from the commencement of this section the provisions of the Home Counties (Music and Dancing) Licensing Act 1926 shall in its application to the borough extend to any place kept or used for any boxing or wrestling entertainment as though such entertainment were of the like kind with public dancing and music.

Places used
for boxing
or wrestling
entertain-
ments to be
licensed.
16 & 17
Geo. 5. c.31.

(2) For the purposes of this section "boxing or wrestling entertainment" means any public contest or display of boxing or wrestling except such as may be provided or given—

(a) by travelling showmen at pleasure fairs;

(b) in premises licensed under the Theatres Act 1843 if and so long as the conditions attached to the licence under the said Act are complied with as though such contest or display were a stage play;

6 & 7 Vict.
c. 68.

(c) by bona fide associations clubs hospitals or societies which are not carried on for profit;

(d) by members of the Boy Scouts Association or of any organisation constituted by the Boy Scouts Association in pursuance of their charter; or

(e) by any school.

(3) Where any company within the meaning of the Companies Act 1929 commits any offence in connection with a boxing or wrestling entertainment for which a penalty is provided by the said Act of 1926 as extended by this section proceedings may be taken in respect of such offence against all or any of the directors and managers and against the secretary of such company as well as or instead of against the company and every such director manager and secretary shall be liable on conviction to the like penalty as if he or they were

A.D. 1937. the person committing the offence unless he proves
to the satisfaction of the court—

PART VII.
—cont.

- (a) that the act which constituted the offence took place without his knowledge or consent; and
(b) that he was not guilty of any negligence in regard to securing the proper execution of the said Act of 1926 as extended by this section.

PART VIII.

SALE OF COKE &C.

Application to sale of coke of Weights and Measures Act 1889.
52 & 53 Vict. c. 21.

51. As from the commencement of this Part of this Act the provisions of sections 20 to 29 inclusive of the Weights and Measures Act 1889 as amended by this Part of this Act and of any byelaws made by the Corporation thereunder (which provisions and byelaws relate to the sale of coal) shall also apply to the sale of coke within the borough.

Penalty on fraudulent sale.

52. If after the commencement of this Part of this Act any seller of coke or any person in charge of any vehicle from which coke is being sold or offered or exposed for sale within the borough wilfully makes any false statement as to the weight of the coke or wilfully increases such weight by damping such coke or wilfully does any other act by which the purchaser of the coke shall be defrauded such seller or person in charge shall be liable for every such offence on the first occasion to a penalty not exceeding five pounds and on the second or any subsequent occasion to a penalty not exceeding ten pounds.

Requirements as to vehicles carrying coal or coke for sale or delivery on sale.

53.—(1) Every vehicle carrying coal or coke for sale or delivery on sale for domestic use within the borough after the commencement of this Part of this Act shall have the seller's name and place of business together with the words "coal merchant" or "coke merchant" (as the case may require) or words to the like effect clearly marked and visible on the front of such vehicle.

(2) Any person who shall offend against the provisions of this section shall be liable to a penalty not exceeding five pounds and in any proceedings for an offence under this section any coal or coke carried

[1 EDW. 8. & *West Ham Corporation* [Ch. xxxv.]
1 GEO. 6.] Act, 1937.

on a vehicle for sale or delivery on sale shall unless . A.D. 1937.
and until the contrary is proved (the onus whereof
shall lie on the person charged) be deemed to have been .PART VIII.
carried for sale or delivery on sale for domestic use. —cont.

54. Proviso (a) to section 27 (Power to require Amendment
of section 27
of Weights
and Measures
Act 1889 in
its application
to borough.
weighment of coal or vehicle) of the Weights and
Measures Act 1889 in its application to the borough
shall as from the commencement of this Part of this
Act be read and have effect as if in that proviso the
words "one mile" were substituted for the words "half
a mile."

55.—(1) Any person selling or intending to sell As to sale
of coal coke
or other
fuel other-
wise than in
sacks from
a vehicle.
or exposing for sale within the borough after the
commencement of this Part of this Act coal or coke
from or on a vehicle otherwise than in sacks and not
carrying on such vehicle a weighing instrument of a type
approved by the Corporation stamped by an inspector
of weights and measures shall sell at one time only the
whole load of such coal or coke on such vehicle and
shall be furnished with a ticket or note stating the gross
tare and nett weight of such load and shall produce
such ticket or note to any inspector of weights and
measures or other officer appointed for the purpose
by the Corporation on demand.

(2) Any person who shall offend against the pro-
visions of this section shall be liable to a penalty not
exceeding five pounds.

56. Any inspector of weights and measures may Proceedings
under
Part VIII
of Act.
with the consent of the Corporation prosecute before
a court of summary jurisdiction any proceedings under
or in pursuance of this Part of this Act.

57. The provisions of this Part of this Act relating Application
of Part VIII
of Act.
to coke shall apply to any solid fuel derived from coal
or of which coal or coke is a constituent as if it were coke.

PART IX.

STREETS SEWERS &C.

58.—(1) If the Corporation shall by resolution Provision
as to
forecourts.
determine that any stall structure or other erection
on any forecourt is by reason of its character injurious
to the amenities of the street in which such forecourt

A.D. 1937. is situate they may by notice in writing require the
owner of or person responsible for such stall structure
or other erection within such period (not being less than
seven days) as may be specified in the notice to make
such alteration to such stall structure or other erection
as may be necessary to prevent the same from being
injurious to the amenities of such street.

PART IX.
—cont.

(2) Any person neglecting or refusing to comply
with the requirement of any such notice shall be liable
to a penalty not exceeding forty shillings and to a daily
penalty not exceeding twenty shillings.

Provisions
as to tents
vans &c.

51 & 52 Vict.
c. 52.

59.—(1) Any tent van shed or similar structure
standing upon land abutting upon a street shall for
the purpose of section 3 of the Public Health (Buildings
in Streets) Act 1888 in its application to the borough
be deemed to be a house or building within the meaning
of those words where they first occur in the said section.

(2) It shall not be lawful without the written
consent of the Corporation to place any tent van shed
or similar structure used for human habitation so as to
stand upon any square court alley or passage to which
the public have access or which is required by law
to be left free from obstructions.

(3) Any person who offends against the provisions
of subsection (2) of this section shall be liable to a penalty
not exceeding forty shillings and to a daily penalty
not exceeding twenty shillings.

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

60.—(1) Where the Corporation resolve to construct
a sewer in a street or part of a street within the borough
repairable by the inhabitants at large which has not been
previously sewered and the resolution states that the
construction of the sewer will in the opinion of the
Corporation increase the value of premises fronting
adjoining or abutting on such street or part of a street
then subject to the provisions of the section of this Act
of which the marginal note is "Provisions relating to
apportionment of sewer expenses" the expenses incurred
by the Corporation in constructing the sewer so far
as they do not exceed the sum authorised by that
section shall be apportioned by the Corporation on the
premises fronting adjoining or abutting on the street
or part of a street according to the frontages of the

[1 EDW. 8. & *West Ham Corporation* [Ch. xxxv.]
1 GEO. 6.] *Act, 1937.*

respective premises as existing at the date when the resolution becomes operative.

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PART IX.
—cont.

(2) Such resolution as aforesaid shall become operative when but not until notice thereof is published in a local newspaper circulating in the borough. Copies of the newspaper containing the notice shall be sufficient evidence of the publication thereof.

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

61.—(1) Where the Corporation have incurred expenses in constructing after the passing of this Act a length of sewer in or under land within the borough and that land has subsequently become a street (whether repairable by the inhabitants at large or not) then subject to the provisions of the section of this Act of which the marginal note is “Provisions relating to apportionment of sewer expenses” the expenses so incurred so far as they do not exceed the sum authorised by that section shall be apportioned by the Corporation on the premises fronting adjoining or abutting on the street according to the frontages of the respective premises.

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 Corporation and the owner of the land.

62.—(1) The sum apportionable under either of the sections of this Act of which the marginal notes are respectively “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” shall

Provisions relating to apportionment of sewer expenses.

A.D. 1937.

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PART IX.
—cont.

not exceed the sum certified by the borough engineer to be at the time of the construction of the sewer the average cost per lineal yard of providing a sewer having an internal diameter of nine inches in a private street in the borough multiplied by the extent in lineal yards (as so certified) of the sewer or length of sewer in question.

(2) As soon as the apportionment has been made the Corporation shall serve on the owners of the several premises affected notice 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 certificate of the borough engineer.

If the court finds that the certificate of the borough engineer 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 the street of the site of and the land occupied with the new building :

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

For the purposes of this subsection—

(a) a building shall be deemed to be a new building erected after the date in question unless the erection of the building was completed before that date ;

[1 EDW. 8. & West Ham Corporation [Ch. xxxv.]
1 GEO. 6.] Act, 1937.

(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.

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PART IX.
—cont.
25 & 26
Geo. 5. c. 47.

(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.

15 & 16
Geo. 5. c. 22.

(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 of which 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 Corporation or on appeal a court of summary jurisdiction may remit such part of that sum as they may think just but in such case if another new building is subsequently erected on the land occupied with the first-mentioned building the sum remitted or such part thereof as is proportional to the frontage of the site of and land occupied with that other building shall become recoverable.

A.D. 1937.

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PART IX.
—cont.

(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 Corporation from the person who is the owner of the premises at the date when a demand for payment is served and as from that date that sum and interest accrued due thereon shall until recovered be a charge on the premises and on all estates and interests therein 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.

As to
evasion by
owners of
sewerage
expenses.

63. If—

- (i) any owner of land fronting 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” conveys sells leases or otherwise disposes of the part or any portion of the part of that land which fronts adjoins or abuts on that street; and
- (ii) any expenses of the construction of a sewer under the said section of this Act in or in relation to that street are apportioned on such part or portion of that land; and
- (iii) the Corporation are unable to recover such expenses in whole or in part from the person to whom such part or portion of that land was conveyed sold leased or disposed of or by the sale of such part or portion of that land; and
- (iv) a court of summary jurisdiction is satisfied that such conveyance sale lease or disposal was intended for the purpose of evading the payment of any expenses under the said section of this Act;

then such expenses or so much thereof as has not been recovered by the Corporation may to such extent as the

court may determine be recovered from that owner in the same manner as any sum apportioned under the said section of this Act may be recovered as though that owner had not made such conveyance sale lease or disposal and as though the said amount of the said expenses had been apportioned on the land of that owner which before such conveyance sale lease or disposal was made fronted adjoined or abutted on such street.

A.D. 1937.

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PART IX.
—cont.

64. Where any person shall reconstruct or lay in a new position or permanently discontinue the use of any drain which communicates with any sewer or other drain such person shall cause any drain or portion of drain thereby rendered unnecessary to be cut off and sealed at each end of the drain or portion of drain so discontinued or rendered unnecessary. Such portion of discontinued or unnecessary drain shall if reasonably required by the Corporation having regard to the circumstances of the case be taken up destroyed or filled in with lime or concrete or in such other manner as may be specified by the Corporation in any such requirement. Any person who contravenes the provisions or fails to comply with the requirements of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

Abandoned drains to be filled up.

PART X.

SANITARY PROVISIONS.

65.—(1) If the medical officer certifies in writing that any person in the borough—

Removal of infirm and diseased persons in certain cases.

(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 interests of the health of such person and for preventing injury to the health of or serious nuisance to other persons that he

A.D. 1937.

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PART X.
—cont.

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 borough or within a convenient distance of the borough 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 Corporation and during any period for which a person is so detained the Corporation may and if so required by the court shall make towards the maintenance of any dependants of that person such contributions as the Corporation think fit or as may be directed by the court as the case may be :

19 & 20

Geo. 5. c. 17.

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 Corporation.

(4) An order under this section may be addressed to such officer of the Corporation as the court making the same may think expedient and any person who

[1 EDW. 8. & West Ham Corporation [Ch. xxxv.]
1 GEO. 6.] Act, 1937.

wilfully disobeys or obstructs the execution of such order shall be liable to a penalty not exceeding ten pounds.

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PART X.

—cont.

(5) At any time after but not before the expiration of six clear weeks from the making of the order an application may be made to a court of summary jurisdiction acting for the same place as the court which made the order by or on behalf of the person in respect of whom the order was made for the rescission of the order and such court may make a rescission order accordingly if having regard to the circumstances of the case they are of opinion that it is right and proper that such rescission order should be made.

Such person or other the person making the application shall give to the medical officer not less than three clear days' notice of his intention to make the application and of the time and place when and where the application will be made.

(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 Corporation 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.

PART XI.

FOOD.

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

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

(a) any person other than a person keeping open shop for the sale of meat or meat food product or fish or fruit or vegetables who shall by himself or by any person employed by him sell or offer or expose for sale any meat or meat food product or fish or fruit or vegetables from any cart or other vehicle or from any basket barrow or other receptacle; and

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PART XI.
—cont.

(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 a cart or other vehicle or from a basket barrow or other receptacle; shall be registered with the Corporation 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 or other vehicle or from any basket barrow 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 or other vehicle or from a basket barrow 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 Corporation 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 Corporation shall serve upon the person applying for registration or upon the person registered

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

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

(c) Any person appealing to a court of summary jurisdiction under 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 Corporation appointed for the purpose shall have power at all reasonable times to enter and inspect any premises in the borough in respect of which an application has been received for registration under the provisions of this section and also any premises which he shall have reason to believe are being used as storage accommodation for meat or meat food product or fish or fruit or vegetables intended for sale from a cart or other vehicle or from a basket barrow or other receptacle.

(6) The Corporation 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.

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PART XI.

—cont.

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PART XI.
—cont.

Registration
of premises
used in
connection
with sale of
ice-cream or
preserved
food.

67.—(1) As from the commencement of this section no premises shall be used for any of the following purposes (that is to say):—

(a) the sale or the manufacture for purposes of sale of any commodity consisting of ice-cream or any substance similar thereto or the storage of any such commodity intended for sale; or

(b) the preparation or manufacture of sausages or potted pressed pickled or preserved meat fish or other food intended for sale;

unless the premises are registered under this section for that purpose by the Corporation.

(2) If any person uses any premises in contravention of this section he shall be guilty of an offence and liable to a fine not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

(3) Every application for the registration of premises under this section shall be made by the owner or occupier of the premises or by the person intending to occupy them.

(4) If the Corporation are satisfied that any premises are unsuitable for use for any purpose for which they have been registered under this section or for which application for registration has been made under this section the Corporation may serve upon—

(a) the occupier for the time being of the premises or the person on whose application they were registered; or

(b) the person applying for registration;

as the case may be a notice requiring him to appear before them on such day not being earlier than seven days after the date of the notice as may be specified therein in order to show cause why the Corporation should not for the reasons specified in the notice cancel the registration of the premises for the said purpose or refuse the application and if that person fails to show cause to the satisfaction of the Corporation why they should not do so the Corporation may cancel the registration of the premises for that purpose or refuse the application. Any such notice shall state the effect of the two next succeeding subsections.

(5) If the Corporation cancel the registration or refuse the application they shall if required by such

occupier or person as aforesaid deliver to him within seven days of the receipt of such requirement a statement in writing of the ground or grounds upon which such cancellation or refusal is based.

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PART XI.
—cont.

(6) Any person appealing under the section of this Act of which the marginal note is "As to appeals" against any decision of the Corporation under this section shall do so within fourteen days from the date of such decision.

(7) The medical officer the sanitary inspector or any other officer of the Corporation appointed for the purpose shall have power at all reasonable times to enter any premises in the borough to which he has reasonable cause to believe that the provisions of this section apply for the purpose of ascertaining—

- (a) whether there is occurring therein any contravention of the said provisions; or
- (b) in the case of premises which have been registered by the Corporation under this section for any of the purposes specified in subsection (1) thereof or in respect of which application for such registration for any of those purposes has been made to them whether the premises are suitable for that purpose or any of the purposes specified in subsection (1) of this section:

Provided that in exercising the powers conferred on them by this section at any premises owned or used by a railway company the Corporation shall conform to such reasonable requirements of the company as are necessary to prevent obstruction to or interference with the working of the traffic of the railway thereat and the railway company shall not be liable for any accident or injury happening to any officer servant or agent of the Corporation upon any lines of rails belonging to the company or upon any land immediately adjoining any such lines of rails.

(8) For the purpose of this section the preparation of meat or fish by any process of cooking shall be deemed to be the preservation thereof.

(9) In relation to any premises used as a theatre music hall or cinema this section shall have effect as if in paragraph (a) of subsection (1) of this section the

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PART XI.
—cont.

words "the sale or" and the words "or the storage of any such commodity intended for sale" were omitted therefrom.

(10) This section shall not apply in relation to any premises used as a club hotel or restaurant.

(11) This section shall not apply in relation to any premises in which any such commodity or substance as is referred to in paragraph (a) of subsection (1) of this section is not manufactured for purposes of sale and is not sold or offered or exposed for sale otherwise than in any properly closed and unopened cartons or other receptacles in which it was delivered to the premises.

For regula-
ting manu-
facture and
sale of
ice-cream
&c.

68.—(1) Any person being a manufacturer or vendor of or merchant or dealer in ice-cream or other similar commodity within the borough who omits on the occurrence of any notifiable disease amongst the persons employed in his business or residing in any premises which are used by him for the manufacture of ice-cream or other similar commodity to give notice thereof to the medical officer shall be liable to a penalty not exceeding forty shillings.

(2) In the event of any person so employed or resident suffering from any notifiable disease the medical officer or the sanitary inspector or any other officer who is duly authorised by the Corporation in that behalf may seize and destroy all ice-cream or similar commodity or materials for the manufacture of the same in any of the said premises and the Corporation shall compensate the owner of the ice-cream or similar commodity or materials so destroyed. Provided that no compensation shall be payable in respect of any ice-cream or similar commodity or materials for the manufacture of the same manufactured or brought upon the said premises after such seizure and while any such person is suffering from a notifiable disease.

(3) The medical officer and the sanitary inspector and any other officer duly authorised by the Corporation in that behalf shall at all reasonable times have the same power of inspection of the materials or commodities or articles of food in the premises of any manufacturer or vendor of or merchant or dealer in ice-cream or other similar commodity and of any cart barrow or other vehicle or stand pail container or receptacle in from or on which

[1 EDW. 8. & *West Ham Corporation* [Ch. xxxv.]
1 GEO. 6.] *Act, 1937.*

the same are offered for sale as an officer of the Corporation would have under section 72 (Precautions against contamination of food intended for sale) of the Public Health Act 1925 in the cases therein mentioned and any person refusing inspection of the materials or commodities or articles of food in any such premises cart barrow or other vehicle stand pail container or receptacle or obstructing such officer as aforesaid in the execution of his duty shall be liable to a penalty not exceeding five pounds.

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PART XI.
—cont.

15 & 16
Geo. 5. c. 71.

(4) The provisions of this section shall not apply to theatres music halls or cinemas.

(5) Section 20 (For regulating manufacture and sale of ice-cream &c.) of the West Ham Corporation Act 1902 shall be read and have effect as if paragraph (c) of that section were omitted therefrom.

2 Edw. 7.
c. clxvi.

69.—(1) The Corporation may make byelaws for promoting and securing sanitary and cleanly conditions in the transport or exposure for sale in the open air of any article intended to be sold for food.

Byelaws as
to food.

(2) At least one month before applying to the Minister for confirmation of any byelaws made under this section applicable to the transport of food by a railway company the Corporation shall give notice to the company of their intention to make such application and such notice shall be accompanied by a copy of the proposed byelaws and such company shall be entitled to make representations to the Minister with regard thereto.

(3) The medical officer and the sanitary inspector and any other officer duly authorised by the Corporation in that behalf shall be entitled at all reasonable times to enter into and inspect any premises on which he suspects that there is any contravention of a byelaw made under this section and any person refusing such entry or inspection or obstructing any such officer as aforesaid in the execution of his duty shall be liable to a penalty not exceeding forty shillings.

70. Sections 116 to 118 of the Public Health Act 1875 as amended by section 28 of the Public Health Acts Amendment Act 1890 shall extend to authorise the medical officer or the sanitary inspector to inspect examine and search any cart or other vehicle or any

Further
powers in
relation to
unsound
food.

A.D. 1937. basket sack bag or package whether open or closed
— in which he has reason to suspect that there is any
PART XI. animal or any of the articles referred to in the said
—cont. sections intended for sale for food or in the course
53 & 54 Vict. of delivery after sale for food and the provisions of such
c. 59. sections shall apply accordingly :

Provided that nothing in this section shall authorise the inspection examination or search of any cart or other vehicle belonging to a railway company and used by them for the purposes of their traffic or of any basket sack bag or package in the possession of such company as carriers thereof.

PART XII.

RATING.

As to operation of section 11 of Rating and Valuation Act 1925. 15 & 16 Geo. 5. c. 90. **71.** The Corporation may at any time by resolution determine with respect to any hereditaments for the time being belonging to them the rent of which is payable or is collected at intervals of less than a quarter of a year to do any of the things which owners may do by agreement with the rating authority under subsection (2) of section 11 of the Rating and Valuation Act 1925 with the like conditions and consequences (other than the condition as to agreement in writing with the rating authority) as are applicable to owners under that section.

Recovery of rate from persons removing. **72.** If a justice is satisfied on complaint by any rate collector or duly authorised officer of the Corporation that any person is quitting or about to quit any premises in the borough and has failed to pay on demand any general rate which may be due from him and intends to evade payment of the same by departing from the borough the justice may in addition to issuing a summons for non-payment of the same issue a warrant under his hand authorising the said rate collector or officer to seize forthwith and detain the goods and chattels of such person until the complaint is determined upon the return of the summons.

As to recovery of rates from tenants and lodgers. **73.** For the purposes of section 15 (Recovery of rates from tenants and lodgers) of the Rating and Valuation Act 1925 the rates due from the person rated for any hereditament within the borough shall be deemed to be in arrear if such rates are not paid within two

months after lawful demand in writing has been made for the same. A.D. 1937.

PART XII.
—cont.

PART XIII.

SUPERANNUATION &C.

74. Words and expressions to which meanings are assigned by the Act of 1922 have in and for the purposes of this Part of this Act the same respective meanings unless there be something in the subject or context repugnant to such construction and "employee" means any officer or servant of the Corporation whether occupying a designated post or a non-designated post. Meaning of expressions in Part XIII of Act.

75.—(1) Subject to the provisions of this section the expressions "officer" and "servant" where used in the Act of 1922 in its application to the Corporation shall include the clerk to the justices of the borough if he is in the whole-time service of the said justices as such clerk and any person employed by the clerk if he is in the whole-time permanent employment of the clerk in connection with his duties as such clerk and occupies a post designated by the justices as an established post. Extension of Act of 1922 to clerk to justices and others.

(2) The provisions of subsection (1) of this section shall not come into operation except with the consent of the said justices and of the Secretary of State and if such consents are given shall operate from the first day of October one thousand nine hundred and thirty-seven or from such later date as may be determined by order of the Secretary of State.

(3) The consent of the justices under subsection (2) of this section shall only be effective if given by resolution passed by the said justices or a majority of them assembled at special sessions summoned for the purpose.

(4) The Secretary of State may by order make such modifications in the said Act of 1922 in its application to the Corporation as appear to him to be necessary or expedient for the purposes of this section.

(5) The Corporation shall within two months after the passing of this Act give notice in writing of the provisions of this section to the clerk to the said justices and to any person who at the time of the giving of such notice is in the whole-time permanent employment of the clerk in connection with his duties as such clerk

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PART XIII.
—cont.

and the provisions of subsection (1) of this section shall not apply to such clerk or person if within one month after the date of such notice he intimates in writing to the Corporation that he does not desire that the said provisions shall apply to him.

Super-
annuation
of registra-
tion officers.

76.—(1) Any person holding office as a registration officer whose appointment to that office took or shall take effect at any time after the thirtieth day of September one thousand nine hundred and thirty-five and who immediately before his appointment was subject by virtue of section 124 of the Local Government Act 1929 (in this section called “the Act of 1929”) or of that section and section 122 of the Act of 1929 or of those provisions as amended by any local Act (including the provisions of this section) to the Poor Law Officers’ Superannuation Act 1896 as modified by or in pursuance of the Act of 1929 or to the Act of 1922 as modified by the Act of 1929 shall be deemed for the purposes of section 124 of the Act of 1929 to be in the service of the Corporation as respects that appointment.

59 & 60 Vict.
c. 50.

(2) Subject to the provisions of subsection (1) of this section any person holding office as a registration officer whose appointment to that office took or shall take effect at any time after the thirtieth day of September one thousand nine hundred and thirty-five shall for the purposes of the Act of 1922 as respects that appointment be deemed to be in the service of the Corporation occupying a post which was designated as an established post on the first day of October one thousand nine hundred and thirty-five.

(3) For the purposes of this section the expression “registration officer” means a superintendent registrar or a registrar of births and deaths or a registrar of marriages for a district or sub-district in relation to which registration functions are discharged by the Corporation.

As to com-
mencement
of certain
provisions of
Part XIII
of Act.

77. The provisions of the sections of this Act of which the marginal notes are respectively “Extension of Act of 1922 to clerk to justices and others” and “Superannuation of registration officers” shall not come into operation until such date or dates as may be specified in that behalf with reference to the said

sections or either of them by a resolution or resolutions passed by the Corporation. A.D. 1937.

PART XIII.

—cont.

Super-annuation of asylums officers and servants.

78.—(1) The Corporation may at any time and from time to time by resolution determine that as from the date specified in any such resolution (in this section referred to as “the appointed day”) the following provisions of this section shall have force and effect with respect to—

- (a) the mental hospitals and certified institutions specified in such resolution; and
- (b) the asylums officers to whom any such resolution relates (whether or not they or any of them were or was at the date of the passing of the resolution employed in a mental hospital or certified institution provided by the Corporation).

(2) In this section—

“the Act of 1909” means the Asylum Officers’ Superannuation Act 1909 or that Act as extended by the Asylums and Certified Institutions (Officers’ Pensions) Act 1918 as the case may be; 9 Edw. 7. c. 48. 8 & 9 Geo. 5. c. 33.

“mental hospital” means a mental hospital provided by the Corporation under the Lunacy Acts 1890 to 1922;

“certified institution” means a certified institution for defectives provided by the Corporation under the Mental Deficiency Act 1913; 3 & 4 Geo. 5. c. 28.

“asylums officer” means an officer or servant to whom the Act of 1909 applies and who is employed in or in connection with a mental hospital or a certified institution;

“the superannuation fund” means the asylums officers’ superannuation fund to be established in pursuance of this section;

“visiting committee” means the visiting committee of a mental hospital;

“managers” means the managers of a certified institution.

(3) There shall be established and administered by the Corporation an asylums officers’ superannuation fund.

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PART XIII.

—cont.

(4) Every superannuation allowance payable to an asylums officer (not being a gratuity or special superannuation allowance) any sum repayable under or pursuant to section 5 or subsection (1) or subsection (2) of section 10 of the Act of 1909 and every contribution payable towards a superannuation allowance granted under the Act of 1909 to a person who was formerly employed as an asylums officer shall be paid by the Corporation out of the superannuation fund.

(5) There shall be carried and credited to the superannuation fund in each year—

(a) the amounts deducted in such year from the salaries or wages and emoluments of asylums officers;

(b) an amount equal to such percentage of the salary wages and emoluments of every asylums officer as may be certified by the actuary to be the percentage of the salary or wages and emoluments of an asylums officer of the same class and sex coming for the first time under the provisions of the Act of 1909 which together with the contribution of the officer under the Act of 1909 is necessary to cover the liability of the superannuation fund in respect of him in relation to service which may be rendered by him to the visiting committee or managers;

(c) all dividends and interest arising in such year out of the investment or use of the superannuation fund or any part thereof;

(d) any sum received pursuant to subsection (3) of section 10 of the Act of 1909;

(e) any contribution towards a superannuation allowance received under the proviso to section 12 of the Act of 1909;

(f) such further amount as may be certified by the actuary as soon as may be after the appointed day to be necessary in order that the superannuation fund may be solvent such amount to be calculated so as to cast upon the Corporation so far as may be an equal annual charge for a period not exceeding forty years from the appointed day.

(6) The sum to be carried and credited in each year to the superannuation fund in respect of any asylums officer under paragraph (b) of subsection (5) of this section shall be paid by the visiting committee or managers in whose service the officer is or has been and the sum so to be carried and credited under paragraph (f) of that subsection and any sum so to be carried and credited under subparagraph (i) of paragraph (c) of subsection (8) of this section shall be paid by the several visiting committees and managers in such proportions respectively as the actuary shall from time to time certify out of the respective funds out of which the salaries and wages and emoluments of asylums officers are paid.

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PART XIII.
—cont.

(7) In the application of the Act of 1909 to the Corporation and to visiting committees managers and asylums officers and persons who have formerly been employed as such that Act shall be modified in such manner as may be necessary in order that full force and effect may be given to the provisions of this section and without prejudice to the generality of this provision the following modifications shall be made (namely) :—

- (a) in section 7 the words “from the visiting committee which granted it” shall cease to have effect;
- (b) in subsection (3) of section 10 the words “the visiting committee from whom he received it” shall be construed as including the Corporation;
- (c) in section 12 the reference to visiting committees or managers as the parties to settle by agreement the amounts of contributions to be made towards superannuation allowances (other than special superannuation allowances) payable to asylums officers or persons formerly employed as such shall be construed as a reference to the Corporation and that section shall be construed as providing that the weekly sum fixed by the visiting committee of any mental hospital under section 283 of the Lunacy Act 1890 shall be of such amount that the total of such weekly sums shall be sufficient to cover in addition to the expenses of maintenance and salaries payable out of such sums under that

53 & 54 Vict.
c. 5.

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PART XIII.
—cont.

section such of the amounts specified in subsection (6) of this section as are payable by that committee and all gratuities and special superannuation allowances granted by them but no other payments in respect of the superannuation of asylums officers;

(d) in section 14—

(i) references to superannuation allowances payable by visiting committees of mental hospitals and managers of certified institutions shall be construed as references to superannuation allowances payable by the Corporation;

(ii) provisions empowering the payment or application of grants of superannuation allowances by such visiting committees or managers shall be construed as provisions empowering the payment or application thereof by the Corporation in accordance with the directions of such visiting committees or managers;

(iii) in paragraph (5) in relation to the grant of a superannuation allowance the words "the Corporation" shall be substituted for the words "the visiting committee of the mental hospital" where those words first occur and the words "and the Corporation" shall be inserted between the words "the visiting committee of the mental hospital" and the words "and any officer."

(8) (a) The Corporation may at any time obtain a valuation by the actuary of the assets and liabilities of the superannuation fund and shall send to the Minister a copy of the report of the actuary on any such valuation.

(b) Forthwith upon the expiration of—

(i) a period of five years from the end of the financial year comprising the appointed day; and

(ii) any period of five years from the end of the financial year comprising the date as at which the fund was last valued under this section;

the Corporation shall submit the condition of the fund to the actuary who shall make an actuarial valuation

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of the assets and liabilities of the fund as at the date
of the expiration of the said period of five years :

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—cont.

Provided that this subsection shall not operate
so as to require more than one such valuation of the
fund in any period of five years.

(c) Where on any such valuation a deficiency
or surplus is disclosed the actuary shall certify
accordingly and he shall certify further the amount
(if any) of the surplus which in his opinion is disposable
and the Corporation shall submit to the Minister for
approval a scheme—

(i) for making good any deficiency by payments
by the Corporation into the superannuation
fund in each year within a period not exceeding
forty years from the date as at which the
valuation is made; and

(ii) for disposing of any disposable surplus by
applying it to the reduction or extinction
of any liability of the Corporation to make
payments into the superannuation fund under
paragraph (f) of subsection (5) of this section
or the reduction of the period during which
any such liability attaches to them and subject
as aforesaid to the reduction for such period
not exceeding forty years from the date
as at which the valuation is made as may
be certified by the actuary to be reasonable
(regard being had to the amount of the surplus
so to be disposed of) of the contributions
payable to the superannuation fund under
paragraph (b) of subsection (5) of this section.

(9) The surplus of the annual income of the
superannuation fund above the expenditure thereout
shall from time to time (unless used under the powers
of section 46 (Consolidated loans fund) of the *West Ham
Corporation Act 1930*) be invested in statutory securities
and the income arising from time to time from such
investment or use shall be paid into the superannuation
fund.

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

“the actuary” means an actuary being a Fellow
of the Institute of Actuaries or of the Faculty

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PART XIII.

—cont.

of Actuaries in Scotland appointed by the Corporation;

“financial year” means the period of twelve months commencing on the first day of April in any year.

Power to
pension
employees.

79.—(1) The Corporation if they think fit may make or pay to any employee being a contributor to the superannuation fund who shall lose his office or employment by reason of a reduction of staff or the abolition of his office without becoming entitled to a superannuation allowance under the provisions of the Act of 1922 a retiring allowance of such amount (not exceeding (a) an annual sum equivalent to one-sixtieth of the average amount of his salary or wages during the five years which immediately preceded the day on which the employee ceased to hold his office or employment multiplied by the number of years of his service with the Corporation or (b) forty-sixtieths of such average amount whichever shall be the less) and on such terms and conditions as the Corporation may think fit but any employee to whom any such retiring allowance may be so made or paid shall thereupon relinquish any claim to any repayment of contributions or any other benefit from the superannuation fund :

Provided that where a person in receipt of a retiring allowance under the provisions of this section is appointed to any office or employment by the Corporation or by any authority where his salary or wages are paid directly or indirectly out of any rate or rates or out of any public moneys such allowance shall cease to be paid so long as he continues to hold such office or employment if the salary or wages thereof are equal to or in excess of the amount of such allowance and if such salary or wages are less than the amount of such allowance then only so much of such allowance shall be paid (so long as he holds such office or employment) as will make up the deficiency and that any such person on ceasing to hold such office or employment shall be entitled to revert to and to receive the full amount of his original retiring allowance.

(2) The Corporation if they think fit may on such terms and conditions as they may determine add to or increase any superannuation allowance to be received

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out of the superannuation fund by a contributor who shall have retired or ceased to hold office. Provided that no superannuation allowance as added to or increased under the powers of this subsection shall exceed an allowance at the rate of one pound per week.

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PART XIII.

—cont.

(3) Any retiring allowance or addition to or increase of superannuation allowance made or paid by the Corporation under the provisions of this section shall be made or paid out of the fund rate revenue or account out of which the salary or wages of the contributor was or were paid at the date of his retirement.

(4) The provisions of this section shall not apply to any person who at any time before the date of the passing of this Act was an employee and is not at that date in the service of the Corporation.

80.—(1) In the event of the salary or wages of an officer or servant being either—

Reduction
or suspen-
sion of
salary or
wages.

(a) reduced on account of his mental or physical infirmity; or

(b) suspended on account of illness or for any other reason approved by the Corporation or (in the case of an officer or servant to whom the provisions of section 80 of the London Passenger Transport Act 1933 applies) approved by the London Passenger Transport Board;

23 & 24
Geo. 5. c. 14.

he may if he so desires with the consent of the Corporation or (in the case of an officer or servant to whom the provisions of section 80 of the London Passenger Transport Act 1933 applies) with the consent of the London Passenger Transport Board continue to contribute to the superannuation fund in all respects as if such reduction or suspension had not taken place.

(2) In the event of his so continuing to contribute—

(a) the amount of his salary or wages for the period in respect of which he so continues to contribute shall for the purposes of the Act of 1922 be deemed to be the amount of the salary or wages which he would have received in respect of that period if such reduction or suspension had not taken place; and

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PART XIII.
—cont.

(b) the period during which his salary or wages were so reduced or suspended shall for the purpose of calculating any superannuation allowance payable to him be deemed to be part of the period of his service.

(3) If any officer or servant whose salary or wages has or have been reduced or suspended for any period commencing or expired before the date of the passing of this Act for any of the reasons mentioned in subsection (1) of this section has before that date continued to contribute to the superannuation fund as if such reduction or suspension had not taken place such contributions shall be deemed to have been made under the powers of this section as if this section had been in operation on the date on which such reduction or suspension took place and the provisions of subsection (2) of this section shall accordingly apply in the case of such officer or servant.

Transfer of
employee
from non-
designated
to design-
ated post.

81.—(1) Where an employee is transferred from a non-designated post in the service of the Corporation to a designated post in the service of the Corporation if within such period (not exceeding ten years) as the Corporation may determine he pays such sum to the Corporation as would have been payable to them in lieu of transfer value in accordance with subsection (2) of section 8 of the Act of 1922 if he had transferred from the service of another authority to their service under the conditions mentioned in that subsection he shall be entitled to reckon service with the Corporation in accordance with the rules made under that subsection.

(2) This section shall apply to any employee transferred as aforesaid before the passing of this Act.

Annuities
for widows.

82.—(1) Within one month before any date on which if he ceased to hold his office or employment an officer or servant would become entitled to a superannuation allowance under paragraph (b) or paragraph (c) of subsection (1) of section 6 of the Act of 1922 he may give notice in writing to the treasurer requiring that the provisions of subsection (2) or subsection (3) (according as may be specified in the notice) of this section shall apply to him and to any wife to whom he is married on the date on which he becomes entitled to a superannuation allowance or (if he dies before ceasing to hold

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office or employment but would had he so ceased immediately before his death have been entitled to a superannuation allowance) to any wife to whom he is married at the date of his death and where any such notice is given then unless the Corporation (being of opinion that the state of health of such person regard being had to his age is not reasonably satisfactory) notify him within one month after the receipt by the treasurer of the notice that they do not intend to comply with the requirement subsection (2) or subsection (3) of this section (as the case may be) shall apply and the other provisions of this section shall have effect :

Provided that a notice under this subsection may be given in respect either of the whole or of a specified part of an allowance and where it is given in respect of a specified part only of an allowance references in this section to the superannuation allowance shall be construed as references to such specified part of the superannuation allowance.

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PART XIII.
—cont.

(2) In any case to which this subsection applies—

(a) the amount of the superannuation allowance payable to the officer or servant during the joint lives of himself and such wife as aforesaid shall in any case covered by Part I of the Third Schedule to this Act be such proportion of the superannuation allowance which would have been payable under the Act of 1922 if he had not given a notice under this section as is specified in Part I of that schedule as appropriate in relation to the ages of such officer or servant and his wife at the date of his retirement and in any other case such proportion of the said superannuation allowance as is certified by an actuary to be just;

(b) if he predeceases her and—

(i) was in receipt of or entitled to a superannuation allowance; or

(ii) dies before ceasing to hold office or employment but would had he so ceased immediately prior to his death have been entitled to a superannuation allowance;

she shall be entitled after his death to receive for life an annuity equal to one-third of the

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PART XIII.
—cont.

amount of the superannuation allowance which was or would have been payable under paragraph (a) of this subsection during their joint lives;

(c) if she predeceases him then as from the date of her death or his retirement whichever occurs last the superannuation allowance payable to him shall be an amount equal to two-thirds of the amount which was or would have been payable under paragraph (a) of this subsection during their joint lives.

(3) In any case to which this subsection applies—

(a) the amount of the superannuation allowance payable to the officer or servant shall in any case covered by Part II of the Third Schedule to this Act be such proportion of the superannuation allowance which would have been payable under the Act of 1922 if he had not given a notice under this section as is specified in Part II of that schedule as appropriate in relation to the ages of such officer or servant and his wife at the date of his retirement and in any other case such proportion of the said superannuation allowance as is certified by the actuary to be just;

(b) if he predeceases her and—

(i) was in receipt of or entitled to a superannuation allowance; or

(ii) dies before ceasing to hold office or employment but would had he so ceased immediately prior to his death have been entitled to a superannuation allowance;

she shall be entitled after his death to receive for life an annuity equal to one-third of the amount of the superannuation allowance which was or would have been payable to him under the Act of 1922 if he had not given a notice under this section.

(4) The Minister may on application made by the Corporation by order alter as respects officers or servants giving notice under subsection (1) of this section after the date of the order any of the percentages specified

in the Third Schedule to this Act so far as may be necessary to secure that the benefits provided by this section for officers or servants and their wives shall be actuarially equivalent to the benefits to which such officers or servants would have been entitled if they had not given such notice as aforesaid.

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PART XIII.
—cont.

(5) The first payment of any superannuation allowance to a person under this section shall be accompanied by a statement showing the amount of any annuity which may become payable under this section.

(6) An annuity under this section shall be payable out of the superannuation fund. Provided that if the superannuation allowance of the officer or servant was by reason of the proviso to subsection (1) of section 16 of the Act of 1922 not payable wholly out of the superannuation fund such proportion only of the annuity shall be paid out of the superannuation fund as corresponds to the portion of the said superannuation allowance which was so payable and the balance shall be paid out of the fund rate revenue or account out of which the salary or wages of the officer or servant was or were paid at the date of his retirement.

(7) In any case in which an annuity becomes payable under this section—

(i) the Corporation shall not be required to make any payment to the legal personal representative of the deceased officer or servant under the provisions of section 12 of the Act of 1922;

(ii) on the cesser of the annuity by reason of the death of the recipient the Corporation shall pay to her legal personal representative such sum if any as shall be equal to the amount by which the aggregate amount of the contributions of the officer or servant under the Act of 1922 together with compound interest thereon calculated to the date of his death or the date of his retirement whichever first occurred at the rate of three per centum per annum with half-yearly rests exceeds the aggregate of the amounts which he received by way of superannuation allowance under that Act whether as originally enacted or as amended by this Act and such recipient received by way of annuity under this section.

A.D. 1937.

PART XIII.

—cont.

As to
payments
due to
deceased
employees.

15 & 16
Geo. 5. c. 23.
16 & 17
Geo. 5. c. 60.

(8) An annuity under this section shall not be capable of assignment or transfer.

83.—(1) On the death of an employee (which expression in this section includes a former employee or pensioner) to whom or to whose legal personal representative a sum not exceeding one hundred pounds is due on account of salary wages superannuation allowance gratuity grant or repayment (with or without interest) of contributions to any superannuation or other fund if probate of the will of the employee or letters of administration of his estate is or are not produced within such time (not being less than one month after his death) as the Corporation may think reasonable then at the expiration of that time the Corporation may pay the sum to the person or persons entitled in distribution to the residuary estate of the employee in accordance with the provisions of paragraphs (i) to (v) inclusive of section 46 (1) of the Administration of Estates Act 1925 and section 9 of the Legitimacy Act 1926 and in default of any such person to the Solicitor for the Affairs of His Majesty's Treasury Provided that—

- (a) the Corporation may if they think fit pay to any person who has paid the funeral expenses of the deceased employee such amount (not exceeding the total amount of such expenses) as the Corporation shall deem it reasonable to allow ;
- (b) if the Corporation receive notice in writing of any claim of a creditor of the deceased employee before the expiration of one month from the death of the employee they shall retain the whole amount due to the deceased employee in their hands or a sufficient sum thereof to satisfy the claim (whichever amount shall be the less) until the claim has been satisfied disproved or withdrawn.

(2) The Corporation before paying or distributing any moneys under this section to or among any person or persons other than the legal personal representative of the deceased employee shall require—

- (a) where the total estate of the deceased employee including the amount of such moneys does not after deduction of debts and funeral expenses

[1 EDW. 8. & *West Ham Corporation* [Ch. xxxv.]
1 GEO. 6.] *Act, 1937.*

exceed one hundred pounds a declaration to that effect by the person or one of the persons to or among whom the Corporation propose to pay or distribute such moneys; and

A.D. 1937.

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PART XIII.
—cont.

- (b) where the total estate of the deceased employee including the amount of such moneys but after deduction of debts and funeral expenses exceeds one hundred pounds the production of a certificate from the Commissioners of Inland Revenue of the payment of the estate duty and of a duly stamped receipt for the legacy or succession duty payable in respect of such moneys or of a certificate stating that no legacy or succession duty is payable.

84.—(1) Subject to the provisions of this section where a person entitled to receive from the Corporation any sum to which this section applies is lawfully detained as a person of unsound mind in accordance with the Lunacy Act 1890 as amended by any enactment the Corporation may pay the whole of that sum or so much thereof as they think fit to the institution or person having the care of the person so detained as aforesaid and may pay or apply the whole or so much as they think fit of the surplus if any thereof to or for the maintenance or benefit of the wife or husband or relations of the person so detained as aforesaid.

Payment
of pension
&c. of
person of
unsound
mind.

(2) This section applies to any sum payable by the Corporation to an employee or former employee or pensioner of the Corporation or the widow or a child of a deceased employee or pensioner by way of salary wages pension superannuation or other allowance or annuity or by way of repayment (with or without interest) of contributions made to any superannuation or other fund being either a lump sum not exceeding one hundred pounds or an instalment of a periodical payment not exceeding one hundred pounds per annum.

(3) Not less than fourteen days before exercising for the first time in relation to a person detained as aforesaid their power under subsection (1) of this section the Corporation shall give to the master in lunacy notice in writing of their intention in that behalf specifying the name and address of that person and the amount and

A.D. 1937.

PART XIII.

—cont.

nature of the sums in respect of which the Corporation intend to exercise the said power.

(4) If at any time the master in lunacy gives to the Corporation notice in writing that he objects to the exercise by the Corporation of the said power in relation to any person the said power shall as from the date of the receipt by the Corporation of the notice cease to be exercisable by the Corporation in relation to that person unless and until the master withdraws the notice.

(5) The Corporation shall be discharged from all liability in respect of—

(a) any payment or application of money effected by them in exercise of the said power; and

(b) any payment or application of money effected by them before the commencement of this Act which might have been effected by them in exercise of the said power if the provisions of subsections (1) and (2) of this section had been in force at the date of the payment or application and had applied to sums of any amount.

As to proof
of continued
existence of
pensioners.

85. Notwithstanding anything contained in the Act of 1922 the Corporation shall not be required to make any payment by way of superannuation allowance under that Act to or for the benefit of any person unless satisfactory proof is given to the Corporation in such manner and at such times as they may from time to time require of the continued existence of such person.

PART XIV.

FINANCIAL.

Power to
borrow.

86. The Corporation shall have power in addition and without prejudice to their powers of borrowing under the Local Government Act 1933 from time to time to borrow without the consent of any sanctioning authority 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 Corporation may determine not exceeding those respectively

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mentioned in the third column of the said table A.D. 1937.
(namely) :—

1	2	3
Purposes.	Amount.	Period for repayment calculated (except where otherwise stated) from the date or dates of borrowing.
(a) For the execution of the street works.	£ 185,000	Forty years.
(b) For the acquisition of lands for the purposes of the street works and other purposes under the powers of this Act.	363,459	Sixty years.
(c) For working capital for purposes of the electricity undertaking of the Corporation.	50,000	Ten years.
(d) For payment of the costs charges and expenses of this Act as hereinafter defined.	The sum requisite.	Five years from the passing of this Act.

PART XIV.
—cont.

87.—(1) The provisions of Part IX of the Local Government Act 1933 so far as they are not inconsistent with this Part of this Act shall extend and apply to all money borrowed by the Corporation under any statutory borrowing power after the date of the passing of this Act (whether or not such money is borrowed under the powers or for the purposes of this Act) as if it were borrowed under the said Part IX.

Application of Part IX of Local Government Act 1933.

(2) The period fixed for the repayment of any money borrowed under the section of this Act of which the marginal note is "Power to borrow" shall as respects that money be the fixed period for the purpose of the said Part IX.

88. All interest received in any year from the investments of any reserve depreciation insurance renewals repairs or contingency fund established by the Corporation shall be carried to and form part of the general rate fund. Provided that—

Investment earnings to form part of general rate fund.

(a) such reserve depreciation insurance renewals repairs or contingency fund shall in that year be increased by a sum equal to the amount

A.D. 1937.

PART XIV.
—cont.

of such interest if and so far as the amount of the fund for the time being is less than the maximum prescribed by or under any enactment and the Corporation shall not be precluded from carrying the said sum to such fund by reason of the receipts on revenue account in respect of the undertaking for which such fund was formed being less than or failing to exceed the payments and expenses on revenue account in respect of the undertaking;

- (b) if in any year the amount of the reserve fund established by the Corporation in respect of their electricity undertaking is up to the maximum prescribed by or under any enactment a sum equal to the amount of the interest received in that year from the investments of that fund shall be transferred from the general rate fund to the revenue account of the electricity undertaking.

Amendment of consolidated loans fund scheme.

89. Any scheme approved by the Minister under the provisions of section 46 (Consolidated loans fund) of the West Ham Corporation Act 1930 may be altered or amended from time to time or revoked by a scheme made in like manner as the original scheme.

Power to Corporation to lend money for erection of buildings.

19 & 20
Geo. 5.
c. xlvii.
20 & 21
Geo. 5.
c. cxcii.

90.—(1) The Corporation may lend money to the purchaser or lessee of any lands acquired by them under the provisions of the Royal Victoria and other Docks Approaches (Improvement) Act 1929 the River Lea (Flood Relief &c.) Act 1930 the West Ham Corporation Act 1930 the West Ham Corporation Act 1931 or this Act and with the consent of the Minister to the purchaser or lessee of any other lands belonging to the Corporation and not required for the purposes for which they were acquired for the purpose of enabling or assisting him to erect buildings on such land provided that any loan shall not exceed two-thirds of the amount which in the opinion of the Corporation will be the market value of the interest of such purchaser or lessee in the land with the intended building erected thereon.

(2) Every such loan shall be repaid with interest at a rate not less than the rate for the time being prescribed by the Minister for the purposes of loans under the Small Dwellings Acquisition Acts 1899 to 1923 as

[1 EDW. 8. & *West Ham Corporation* [Ch. xxxv.]
1 GEO. 6.] *Act, 1937.*

amended by any subsequent enactment within such period not exceeding thirty years from the date of the loan as may be agreed upon between the Corporation and such purchaser or lessee.

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PART XIV.

—cont.

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

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

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

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

A.D. 1937.

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PART XIV.
—cont.

(7) The said purchaser or lessee may with the permission of the Corporation (which permission shall not be unreasonably withheld) at any time transfer his interest in the building in respect of which such loan is made and the land upon which the same is erected but any such transfer shall be made subject to the foregoing provisions of this section.

Closing of
transfer
books.

91.—(1) The Corporation may close any transfer books or the registers of transfers of authorised securities during the whole period of thirty days or any shorter period next before the date on which interest on the authorised securities to which such transfer book or register relates is payable.

(2) The persons who on the date on which any 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.

(3) In and for the purposes of this section the expression "authorised securities" means any mortgage bond or other security (not being stock) which the Corporation are for the time being authorised to create or issue or upon or by means of which the Corporation are for the time being authorised to raise money.

Insurance
fund.

92.—(1) The Corporation may (if they think fit) establish a fund to be called "the insurance fund" with a view of providing a sum of money which shall be available for making good all losses damages costs and expenses to which the Corporation may be subjected in consequence of the happening of any event against which in the absence of that fund the Corporation would ordinarily insure.

(2) The establishment of an insurance fund under this section shall not prevent the Corporation from insuring in one or more insurance offices against the whole or any part of all or any of the several risks for which the insurance fund is intended to provide.

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

(a) such a sum as shall in their opinion be not less than the aggregate amount of the premiums

which would be payable if the Corporation fully insured in some insurance office of good repute against the several risks for which the insurance fund is intended to provide; or

- (b) if the Corporation partly insure in some insurance office of good repute against the whole or any part of the several risks for which the insurance fund is intended to provide such sum as will together with the premiums paid for the last-mentioned insurance be not less than the aggregate amount aforesaid.

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

(5) The Corporation shall provide the yearly payments aforesaid by contributions from the general rate fund and shall show the same in their accounts under the separate heading or division in respect of the particular undertaking department or service of the Corporation which if the risks were insured against in an insurance office would be properly chargeable with the payment of the premium of such insurance.

(6) Except so far as the insurance fund and the proceeds of sale of securities in which that fund is invested may be necessary to meet losses damages costs and expenses in consequence of the happening of any event against which the fund is intended to provide insurance all moneys for the time being standing to the credit of the insurance fund shall unless paid into the consolidated loans fund established by the Corporation under the powers of section 46 (Consolidated loans fund) of the *West Ham Corporation Act 1930* be invested in statutory securities and the interest and annual proceeds arising from those securities shall be invested and accumulated until the insurance fund amounts to the sum for the time being prescribed by the Corporation as aforesaid and when and so long as the fund amounts to that sum the interest and annual proceeds of the securities

A.D. 1937.

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PART XIV.

—cont.

A.D. 1937.

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PART XIV.
—cont.

shall be apportioned in the accounts of the Corporation between the several undertakings departments or services liable to contribute to the insurance fund in such shares or proportions as may be equitable.

(7) For the purposes of this section the Corporation may if they deem it expedient include in the risks to be covered by the insurance fund risks of accident to any person employed in any school college educational institute or hostel maintained by the Corporation notwithstanding that such school college institute or hostel has not been provided by the Corporation as the local education authority.

(8) The insurance fund shall be applied to meet any losses damages costs or expenses sustained by the Corporation in consequence of the happening of any event against which it is intended to provide insurance in the order of the dates on which such losses damages costs or expenses become ascertained and if at any time and from time to time the insurance fund shall be insufficient to make good any such losses damages costs or expenses the making up of the deficiency shall for the purposes of the Local Government Act 1933 be a purpose for which the Corporation may borrow The amounts of the annual charges in respect of interest on and repayment of principal of any sums so borrowed and the amounts of any such deficiencies as aforesaid not made up by borrowing shall be paid out of the general rate fund and charged in the accounts of the Corporation under the separate headings or divisions in respect of such undertakings departments or services of the Corporation and in such proportions as the Minister may direct having regard to the risks through which such deficiencies arise.

(9) All moneys standing to the credit of the fire insurance fund of the Corporation referred to in section 85 (Fire insurance fund) of the West Ham Corporation Act 1925 at the date of the establishment of an insurance fund under the powers of this section and all securities in which any such moneys are for the time being invested shall be carried to the credit of and form part of such last-mentioned insurance fund.

(10) The said section 85 of the West Ham Corporation Act 1925 shall be and is hereby repealed as from the date on which the Corporation establish the insurance fund under the powers of this section.

15 & 16
Geo. 5.
c. cxii.

[1 EDW. 8. & *West Ham Corporation* [Ch. xxxv.]
1 GEO. 6.] *Act, 1937.*

93.—(1) The Corporation may pay out of the general rate fund and general rate—

- (a) reasonable subscriptions whether annually or otherwise to the funds of any association of municipal authorities or other local authorities or their officers formed for the purpose of consultation as to their common interests and the discussion of matters relating to local government and any reasonable expenses of the attendance of any members or officers of the Corporation at conferences or meetings of such associations or any of them and the cost of purchasing reports and contributing towards the expenses of the proceedings of any such conferences or meetings;
- (b) the reasonable expenses of the Corporation in providing public entertainments on the occasion of or otherwise in connection with any public ceremony or rejoicing and in the reception and entertainment of distinguished persons residing in or visiting the borough.

(2) (a) The Corporation (subject as hereinafter provided) may subscribe to any charity philanthropic association or society or other associations institutions or societies rendering national or public service such sum or sums as they may from time to time think fit and may charge the amount of any such subscription to or apportion the same among all or any of their funds and revenues.

(b) The total amount which the Corporation may expend under the provisions of this subsection shall not in any year exceed the amount which would be produced by the levying of a general rate of one half-penny in the pound calculated according to the rules made pursuant to sections 9 and 58 of the Rating and Valuation Act 1925.

PART XV.

MISCELLANEOUS.

94. The following provisions for the protection of the Port of London Authority (in this section called "the port authority") shall unless otherwise agreed in

For protec-
tion of Port
of London
Authority.

A.D. 1937. writing between the Corporation and the port authority
have effect:—

PART XV.
—cont.

- (1) Notwithstanding anything contained in the section of this Act of which the marginal note is “Power to take lands for street works and other purposes” or shown on the deposited plans the Corporation shall not take any part of the land belonging to the port authority and numbered 79 and 80 on the deposited plans which is situate at a distance of more than sixty-two feet measured from the southern side of the existing highway known as North Woolwich Road:
- (2) Before commencing to demolish any part of the existing customs fence adjoining the North Woolwich Road and forming the boundary of the dock premises of the port authority in connection with the construction of Work No. 1 by this Act authorised the Corporation shall construct on the land of the port authority immediately adjoining the new line of street and to the satisfaction of the port authority a retaining wall to form the new boundary of the said dock premises the top of such wall to be of a height of not less than seventeen decimal seventeen feet above Newlyn datum and shall also construct to the like satisfaction on the top of the said retaining wall a customs fence of standard pattern and design and of a height of not less than ten feet above the top of such retaining wall:
- (3) The section of this Act of which the marginal note is “Abandoned drains to be filled up” shall not apply to any drain or portion of drain belonging to or vested in the port authority and situate within the customs fence surrounding any of their dock premises.

As to
neglected
sites.

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

(2) A court of summary jurisdiction on complaint by the Corporation may order the owner of any neglected

site to remove any rubbish resulting from the demolition of the building within a reasonable time to be fixed by the order.

A.D. 1937.
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PART XV.
—cont.

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

(4) All expenses incurred by the Corporation under subsection (3) of this section in relation to a neglected site may be recovered by the Corporation from the owner of the neglected site in a summary manner.

96.—(1) While any child is entering or leaving any school provided or maintained by the Corporation as the local education authority or is in any yard or playground appurtenant to any such school no person shall solicit such child—

Prohibition on solicitation of school children to sell or exchange articles &c. at schools.

- (a) to sell to such person any article or thing; or
- (b) to exchange with such person any article or thing for any other article or thing.

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

(3) For the purposes of this section “child” means a child who is of or of less than such an age that his or her parent (as defined in the Education Act 1921) is under an obligation to cause him or her to receive efficient elementary education or to attend school under the enactments relating to elementary education and the byelaws made thereunder.

11 & 12
Geo. 5. c. 51.

97. The fourteen days’ notice on the expiration of which the Corporation may under the powers of section 25 of the West Ham Corporation Act 1893 cause any such land as is referred to in that section to be fenced or the fences of such land to be repaired may be given by any officer of the Corporation duly authorised in that behalf and the said section shall be read and have effect as if such authorised officer were referred to therein in addition to the borough engineer.

As to fencing of vacant land.
56 & 57 Vict.
c. cciv.

98.—(1) As from the commencement of this section no person shall erect or place or keep erected or placed whether temporarily or permanently in the open air in or upon any land within the borough to a greater height

Restrictions on stacking of materials &c.

A.D. 1937.

PART XV.
—cont.

than ten feet any pile stack or store of paper rags or waste material unless such pile stack or store is situated at a distance measured laterally from the boundary of any street or of any premises in the occupation of any person other than such person as aforesaid not less than the height of such pile stack or store.

(2) Any person who acts in contravention of the provisions of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

61 & 62 Vict.
c. cclix.

(3) Nothing in this section shall alter or affect the operation of section 36 (Storing of wood and timber) of the West Ham Corporation Act 1898 or shall apply to any such pile stack or store as is referred to in that section.

(4) This section shall not apply to—

- (a) any railway company or the London Passenger Transport Board or the Port of London Authority so far as regards materials articles and things in transit or piled stacked or stored on land occupied by them for the purposes of their respective undertakings; or
- (b) the Gas Light and Coke Company so far as regards materials articles or things piled stacked or stored on land specifically authorised to be used for the manufacture or storage of gas and occupied by that company for the purposes of their undertaking; or
- (c) any such land as is referred to in this subsection or any land within the customs fence surrounding any dock premises of the Port of London Authority; or
- (d) any person piling or stacking any material article or thing in or on any of the aforesaid lands.

Penalties
for contra-
vention of
conditions
attached to
theatre
licences.

99. Where the holder of a licence granted by the Corporation under the Theatres Act 1843 to which conditions are attached contravenes or fails to comply with any of those conditions he shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

[1 EDW. 8. & West Ham Corporation [Ch. xxxv.]
1 GEO. 6.] Act, 1937.

100.—(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 Corporation of which date public notice shall be given by the Corporation by advertisement in one or more local newspapers circulating in the borough. Every such advertisement shall also state the effect of the provisions to which it relates and the date specified therein as the date on which such provisions shall come into operation shall not be less than one month after the date of publication of the advertisement. Provided that if the provision is one which requires the licensing or registration of any person or premises the application for the licence or 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—

- Part V (Employment agencies);
- Part VI (Registration of hairdressers);
- Part VII (Control of boxing and wrestling entertainments); and
- Part VIII (Sale of coke &c.);

of this Act and to the sections of this Act of which the marginal notes are respectively—

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

“Registration of premises used in connection with sale of ice-cream or preserved food”;

“Restrictions on stacking of materials &c.”

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

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

(b) had made application in accordance with the provisions of this Act for such licence or 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

A.D. 1937.

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PART XV.
—cont.

Commence-
ment of
certain
provisions of
this Act.

A.D. 1937.

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PART XV.
—*cont.*

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."

As to
appeals.

101.—(1) Any person aggrieved by any requirement refusal or other decision of the Corporation or of any officer thereof under Part V (Employment agencies) or Part VII (Control of boxing and wrestling entertainments) of this Act or the sections of this Act of which the marginal notes are—

"Provision as to forecourts";

"Provisions as to tents vans &c.";

"Abandoned drains to be filled up";

"Registration of hawkers of meat fish fruit and vegetables and premises"; and

"Registration of premises used in connection with sale of ice-cream or preserved food";

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 Corporation 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

[1 EDW. 8. & *West Ham Corporation* [Ch. xxxv.]
1 GEO. 6.] *Act, 1937.*

may except where otherwise expressly provided appeal to such a court. A.D. 1937.

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PART XV.
—cont.

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

(a) no proceedings in respect of any failure to execute the work or take the action shall be taken;

(b) the Corporation shall not execute such work or take such action; and

(c) any such person may carry on such business and use such premises for such purpose;

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

(7) Where upon an appeal under this Act a court varies or reverses any requirement refusal or other decision of the Corporation effect shall be given to the order of the court and in particular any necessary consent certificate or other document shall be granted or issued and any necessary entry in any register shall be made.

102.—(1) The provisions of the sections of the Public Health Act 1936 hereinafter mentioned shall have effect as if they were in operation at the date of the passing of this Act and were re-enacted in Part IX (Streets sewers &c.) Part X (Sanitary provisions) Part XI (Food) and (as respects the section of this Act of which the marginal note is "As to neglected sites") Part XV (Miscellaneous) of this Act and in terms made applicable to the provisions of the said Parts IX X and XI and of the said section of this Act. Application of certain provisions of Public Health Act 1936 to certain Parts of Act &c.

(2) The sections of the Public Health Act 1936 hereinbefore referred to are the following (that is to say) :—

Section 277 (Power of councils to require information as to ownership of premises);

A.D. 1937.	Section 287	(Power to enter premises);
PART XV. —cont.	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 294	(Limitation of liability of certain owners);
	Section 295	(Power of local authority to grant charging orders);
	Section 329	(Saving for certain provisions of the Land Charges Act 1925).

Application of provisions of Public Health Act 1936.

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

Section 275	(Power of local authority to execute certain work on behalf of owners or occupiers);
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).

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

A.D. 1937.

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PART XV.

—cont.

Apportionment of expenses in case of joint owners.

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

Breach of conditions of consent of Corporation.

106. Whenever the Corporation the borough engineer or the sanitary inspector under any enactment or byelaw for the time being in force within the borough execute re-execute or alter any work or do any act or thing in default or at the request of the owner occupier or other person required to do such work act or thing the Corporation shall not as between themselves and such owner occupier or other person in the absence of any negligence on the part of the Corporation or the borough engineer or the sanitary inspector or of any contractor or other person employed by them or him be liable to pay any damages penalties costs charges or expenses for or in respect of or consequent upon the executing re-executing or altering of such work or the doing of such act or thing and any such damages penalties costs charges or expenses payable by the Corporation in the absence of negligence as aforesaid shall be deemed to be part of the expenses payable by such owner occupier or other person and shall be recoverable accordingly.

In executing works for owner Corporation liable for negligence only.

107. Where any damages expenses or charges are directed or authorised to be paid or recovered in addition to any penalty for any offence in this Act mentioned the amount of such damages expenses or charges in case

Damages and charges to be settled by court.

A.D. 1937.

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PART XV.
—cont.

Compensation how to be determined.

of dispute respecting the same may be settled and determined by the court before whom any offender is convicted.

108. When any compensation costs damages or expenses is or are by this Act directed to be paid and the method of determining the amount thereof is not otherwise provided for such amount shall in case of dispute be ascertained—

- (a) as respects any matter arising before the first day of October one thousand nine hundred and thirty-seven in the manner provided by section 308 (Compensation in case of damage by local authorities) of the Public Health Act 1875; and
- (b) as respects any matter arising on or after the said date in the manner provided by subsection (2) of section 278 (Compensation to individuals for damage resulting from exercise of powers under Act) of the Public Health Act 1936.

Confirming authority for byelaws.

109. 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.

Arbitration.

110. Where under this Act any question or dispute is referred to an arbitrator or to arbitration (except where otherwise expressly stated and except questions or disputes to which the provisions of the Lands Clauses Acts apply) the reference shall be to a single arbitrator to be appointed by the President of the Institution of Civil Engineers and otherwise subject to the provisions of the Arbitration Acts 1889 to 1934.

Restriction on right to prosecute.

111. 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 except that the said section shall not apply to those created by or under Part V (Employment agencies) or Part VI (Registration of hairdressers) or Part VII (Control of boxing and wrestling entertainments) or Part VIII (Sale of coke &c.) of this Act or by or under the section of this Act of which the marginal note is "Penalties for contravention of conditions attached to theatre licences."

112. Nothing in this Act shall protect any person from being proceeded against by way of indictment in respect of any matter by this Act made punishable on summary proceedings or shall relieve any person in respect of such matter from any penal or other consequence to which he would have been liable if such matter had not been made punishable by this Act Provided that nothing in this Act shall make a person liable to be punished more than once for the same offence.

A.D. 1937.
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PART XV.
—cont.
Saving for
indictments
&c.

113. The Minister may hold such inquiries as he may consider 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.

114. Section 265 (Protection of local authority and their officers from personal liability) of the Public Health Act 1875 shall extend and apply to the purposes of any local enactment (including the provisions of this Act) as if the same were re-enacted therein.

Applica-
tion of
section 265
of Public
Health Act
1875.

115. Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown or in particular except with and subject to the terms of the consent in writing of the Secretary of State for War (hereinafter in this section called "the Secretary of State")—

Crown
rights.

- (i) authorises the Corporation to take enter upon use or interfere with any land or water (notwithstanding that any such land or water may be described in the deposited book of reference or delineated on the deposited plans and sections) or any right in respect thereof for the time being vested in or in the occupation of or exercised or exerciseable by the Secretary of State or vested in or in the occupation of or exercised or exerciseable by any other person body or corporation acting for or on behalf of the Secretary of State; or
- (ii) takes away lessens prejudices or alters any right privilege or power vested in or exercised or exerciseable by the Secretary of State.

A.D. 1937.

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PART XV.
—cont.

Costs of
Act.

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

116. 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 Corporation out of the general rate fund and the general rate or out of moneys to be borrowed under this Act for that purpose.

The SCHEDULES referred to in the
foregoing Act.

A.D. 1937.

FIRST SCHEDULE.

LANDS TO BE ACQUIRED BY THE CORPORATION.

PART I.

Lands in the borough bounded on the north-east by Newton Street on the south-east by Hallsville Road on the south-west by Silvertown Way and on the north-west by the highways depot of the Corporation in Silvertown Way.

PART II.

Lands in the borough bounded on the north-east by Tramway Avenue on the south-east by premises known as the Queen's Head Public House on the south-west by West Ham Lane and on the north-west by premises known as the Swan Public House.

PART III.

(a) Lands in the borough bounded on the north by Alnwick Road on the east by Baxter Road on the south in part by premises known as No. 19 Baxter Road and in the remaining part by premises known as Nos. 79 to 103 (odd numbers inclusive) Prince of Wales Road and on the west by premises known as Nos. 98 and 100 Alnwick Road.

(b) Lands in the borough bounded on the north in part by premises known as Nos. 62 to 120 (even numbers inclusive) Randolph Road and in the remaining part by land adjoining the eastern side of No. 120 Randolph Road on the east by Baxter Road on the south by Alnwick Road and on the west by premises known as No. 53 Alnwick Road.

(c) Lands in the borough bounded on the north in part by premises known as the United Dairies Depot Beeby Road and in the remaining part by premises known as the Unemployment Bureau Freemasons Road on the east in part by the said premises known as the United Dairies Depot in part by the said premises

A.D. 1937. known as the Unemployment Bureau and in the remaining part
 -- by Freemasons Road on the south by Anstey Road and on the
 1ST SCH. west by Beeby Road.
 --cont.

PART IV.

Lands partly in the borough and partly in the borough of Leyton bounded on the north in part by Temple Mill Lane and in the remaining part by land fronting Temple Mill Lane belonging or reputed to belong to the Corporation on the east by Temple Mill Lane on the south in part by lands belonging or reputed to belong to the Corporation fronting a road leading from Temple Mill Lane to the premises in the occupation of Messrs. Clay and Son Limited and in the remaining part by land belonging or reputed to belong to the London and North Eastern Railway Company and on the west by the Channelsea River and the Waterworks River.

SECOND SCHEDULE.

PROPERTIES OF WHICH PARTS ONLY MAY BE ACQUIRED BY THE CORPORATION.

<u>Area.</u>	<u>Nos. on deposited plans.</u>
County borough of West Ham	1 2 13 30 42 49 51 63 72 74 79 80 82 83 85 88 101 111 113 115 to 153 (inclusive) 161 to 171 (in- clusive) 173 to 180 (inclusive) 182 to 187 (inclusive) 190 to 195 (inclusive) 204 220 221 222 233 234 243 270 and 285.
Borough of Leyton	- - 286.

[1 EDW. 8. &
1 GEO. 6.]

*West Ham Corporation
Act, 1937.*

[Ch. xxxv.]

THIRD SCHEDULE.

A.D. 1937.

PART I.

Percentage of the full superannuation allowance payable under the Act of 1922 to an officer or servant which may be paid during the joint lives of such officer or servant and his wife in order that (1) his wife shall be entitled to receive during the remainder of her life after his death an annuity equal to one-third of the amount of the superannuation allowance payable during their joint lives and (2) the officer or servant shall be entitled to receive during the remainder of his life after the death of his wife an annuity equal to two-thirds of the amount of the superannuation allowance payable during their joint lives.

Age last birthday of wife at date of retirement of officer or servant.	Age last birthday of officer or servant at date of his retirement.							
	60	61	62	63	64	65	66	67
50	87	—	—	—	—	—	—	—
51	87 $\frac{1}{2}$	86 $\frac{1}{2}$	—	—	—	—	—	—
52	88 $\frac{1}{4}$	87 $\frac{1}{4}$	86	—	—	—	—	—
53	89	88	86 $\frac{3}{4}$	85 $\frac{1}{2}$	—	—	—	—
54	89 $\frac{3}{4}$	88 $\frac{3}{4}$	87 $\frac{1}{2}$	86 $\frac{1}{4}$	85	—	—	—
55	90 $\frac{1}{2}$	89 $\frac{1}{2}$	88 $\frac{1}{4}$	87	85 $\frac{3}{4}$	84 $\frac{1}{2}$	—	—
56	91 $\frac{1}{4}$	90 $\frac{1}{4}$	89	87 $\frac{3}{4}$	86 $\frac{1}{2}$	85 $\frac{1}{4}$	84	—
57	92	91	89 $\frac{3}{4}$	88 $\frac{1}{2}$	87 $\frac{1}{4}$	86	84 $\frac{3}{4}$	83 $\frac{1}{2}$
58	93	92	90 $\frac{3}{4}$	89 $\frac{1}{2}$	88 $\frac{1}{4}$	87	85 $\frac{3}{4}$	84 $\frac{1}{4}$
59	94	92 $\frac{3}{4}$	91 $\frac{3}{4}$	90 $\frac{1}{2}$	89 $\frac{1}{4}$	88	86 $\frac{3}{4}$	85 $\frac{1}{4}$
60	95	93 $\frac{3}{4}$	92 $\frac{3}{4}$	91 $\frac{1}{2}$	90 $\frac{1}{4}$	89	87 $\frac{3}{4}$	86 $\frac{1}{4}$
61	96	94 $\frac{3}{4}$	93 $\frac{3}{4}$	92 $\frac{1}{2}$	91 $\frac{1}{4}$	90	88 $\frac{3}{4}$	87 $\frac{1}{4}$
62	97	95 $\frac{3}{4}$	94 $\frac{3}{4}$	93 $\frac{1}{2}$	92 $\frac{1}{4}$	91	89 $\frac{3}{4}$	88 $\frac{1}{4}$
63	98	96 $\frac{3}{4}$	95 $\frac{3}{4}$	94 $\frac{1}{2}$	93 $\frac{1}{4}$	92	90 $\frac{3}{4}$	89 $\frac{1}{2}$
64	99 $\frac{1}{4}$	98	97	95 $\frac{3}{4}$	94 $\frac{1}{2}$	93 $\frac{1}{4}$	92	90 $\frac{3}{4}$
65	—	99	98	97	95 $\frac{3}{4}$	94 $\frac{1}{2}$	93 $\frac{1}{4}$	91 $\frac{3}{4}$
66	—	—	99 $\frac{1}{4}$	98 $\frac{1}{4}$	97	95 $\frac{3}{4}$	94 $\frac{1}{4}$	93
67	—	—	—	99 $\frac{1}{2}$	98 $\frac{1}{4}$	97	95 $\frac{3}{4}$	94 $\frac{1}{4}$

A.D. 1937.

PART II.

3RD SCH.
—cont.

Percentage of the full superannuation allowance payable under the Act of 1922 which may be paid to an officer or servant during his lifetime in order that his wife shall be entitled to receive during the remainder of her life after his death an annuity equal to one-third of the amount of such full superannuation allowance.

Age last birthday of wife at date of retirement of officer or servant.	Age last birthday of officer or servant at date of his retirement.							
	60	61	62	63	64	65	66	67
50	81 $\frac{3}{4}$	—	—	—	—	—	—	—
51	82 $\frac{1}{2}$	81	—	—	—	—	—	—
52	83	81 $\frac{3}{4}$	80 $\frac{1}{4}$	—	—	—	—	—
53	83 $\frac{3}{4}$	82 $\frac{1}{2}$	81	79 $\frac{1}{2}$	—	—	—	—
54	84 $\frac{1}{2}$	83 $\frac{1}{4}$	81 $\frac{3}{4}$	80 $\frac{1}{2}$	78 $\frac{3}{4}$	—	—	—
55	85 $\frac{1}{4}$	84	82 $\frac{3}{4}$	81 $\frac{1}{4}$	79 $\frac{3}{4}$	78	—	—
56	86	84 $\frac{3}{4}$	83 $\frac{1}{2}$	82 $\frac{1}{4}$	80 $\frac{3}{4}$	79	77 $\frac{1}{4}$	—
57	86 $\frac{3}{4}$	85 $\frac{1}{2}$	84 $\frac{1}{4}$	83	81 $\frac{1}{2}$	80	78 $\frac{1}{4}$	76 $\frac{1}{2}$
58	87 $\frac{1}{2}$	86 $\frac{1}{4}$	85	83 $\frac{3}{4}$	82 $\frac{1}{2}$	81	79 $\frac{1}{4}$	77 $\frac{1}{2}$
59	88	87	85 $\frac{3}{4}$	84 $\frac{1}{2}$	83 $\frac{1}{4}$	81 $\frac{3}{4}$	80 $\frac{1}{4}$	78 $\frac{1}{2}$
60	88 $\frac{3}{4}$	87 $\frac{3}{4}$	86 $\frac{1}{2}$	85 $\frac{1}{2}$	84 $\frac{1}{4}$	82 $\frac{3}{4}$	81 $\frac{1}{4}$	79 $\frac{3}{4}$
61	89 $\frac{1}{2}$	88 $\frac{1}{2}$	87 $\frac{1}{2}$	86 $\frac{1}{4}$	85	83 $\frac{3}{4}$	82 $\frac{1}{4}$	80 $\frac{3}{4}$
62	90 $\frac{1}{4}$	89 $\frac{1}{4}$	88 $\frac{1}{4}$	87 $\frac{1}{4}$	85 $\frac{3}{4}$	84 $\frac{1}{2}$	83 $\frac{1}{4}$	81 $\frac{3}{4}$
63	90 $\frac{3}{4}$	90	89	88	86 $\frac{3}{4}$	85 $\frac{1}{2}$	84 $\frac{1}{4}$	83
64	91 $\frac{1}{4}$	90 $\frac{1}{2}$	89 $\frac{3}{4}$	88 $\frac{3}{4}$	87 $\frac{3}{4}$	86 $\frac{1}{2}$	85 $\frac{1}{4}$	84
65	91 $\frac{3}{4}$	91	90 $\frac{1}{4}$	89 $\frac{1}{2}$	88 $\frac{1}{2}$	87 $\frac{1}{2}$	86 $\frac{1}{4}$	85
66	92 $\frac{1}{4}$	91 $\frac{1}{2}$	91	90 $\frac{1}{4}$	89 $\frac{1}{4}$	88 $\frac{1}{4}$	87 $\frac{1}{4}$	86
67	92 $\frac{1}{2}$	92	91 $\frac{1}{2}$	90 $\frac{3}{4}$	90	89	88	87

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