

[1 EDW. 8. & *Waltham Holy Cross* [Ch. xlvi.]  
1 GEO. 6.] *Urban District Council Act, 1937.*



## CHAPTER xlvi.

An Act to make further and better provision for the improvement health local government and finances of the urban district of Waltham Holy Cross and for other purposes. [1st July 1937.] A.D. 1937.  
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**W**HEREAS the urban district of Waltham Holy Cross (in this Act referred to as "the district") is an urban district under the government of the urban district council of Waltham Holy Cross (in this Act referred to as "the Council"):

And whereas it is expedient that further and better provision should be made in regard to streets buildings sewers and drains in the district and that the powers of the Council in relation to the health local government and improvement of the district should be enlarged as in this Act provided:

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

And whereas under the provisions of the Lands 8 & 9 Vict.  
Clauses Consolidation Act 1845 three sums of (1) two c. 18.  
thousand five hundred and fifty-three pounds eight shillings and sixpence (2) one thousand two hundred pounds and (3) two thousand six hundred pounds were in or about the years eighteen hundred and sixty-two eighteen hundred and sixty-six and eighteen hundred and seventy-two respectively paid by Her then Majesty's Principal Secretary of State for the War Department as compensation for the extinction of commonable rights

A.D. 1937. — over lands in the then parish of Waltham Holy Cross in the county of Essex comprising respectively (1) "Edmondsea Mead and the Little Hoppit" (2) "certain parts of Waltham and Hall Marshes" and (3) "Hoppits Marsh and a certain portion of the Town Mead":

15 & 16 Vict.  
c. 79.

And whereas under orders of the Inclosure Commissioners for England and Wales dated respectively the fourteenth day of August eighteen hundred and sixty-two the twelfth day of July eighteen hundred and sixty-six and the thirty-first day of October eighteen hundred and seventy-two and made in pursuance of the provisions of section 22 of the Inclosure Act 1852 provision was made for the investment of the said three sums in the names of certain trustees and that the interest and annual produce to arise from the said sums except as to seven hundred pounds thereof (in respect of which the interest and annual produce was to be paid to the Marsh Wardens for the time being to be by them expended in defraying the ordinary expenses of Waltham Marsh) should be paid over to the then local board of health of the district of Waltham Holy Cross (which consisted of the said parish) and should be applied by such board in aid of the general district rates of the said district to be made from time to time by the said board and under the said orders provision was also made for the appointment of new trustees in place of any of the trustees who might die resign or become incompetent to act or go to reside beyond the seas:

And whereas the Council are the successors of the said local board and the said local board district (except a small portion thereof which was by the Essex Review Order 1934 added to the urban district of Chingford) is now comprised in the district and the general rate of the district has by virtue of statutory provisions in that behalf become substituted for the said general district rate:

7 Edw. 7.  
c. clxxiv.

And whereas in or about the year nineteen hundred and eleven under the provisions of the Lands Clauses Consolidation Act 1845 as applied by section 50 of the Metropolitan Water Board (Various Powers) Act 1907 two sums of (1) three thousand four hundred and sixteen pounds seventeen shillings and sixpence and (2) three hundred and ninety-seven pounds five shillings and five-pence were paid by the Metropolitan Water Board as

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compensation for the extinction by the said Act of 1907 A.D. 1937.  
of commonable or other rights over lands in the then  
parish of Waltham Holy Cross in the county of Essex  
comprising respectively (1) "portions of the lands known  
as Sewardstone Marsh Broken Marsh and Patty Pool"  
and (2) "other portions of the said lands known as  
"Sewardstone Marsh and Broken Marsh and other lands  
"known as the Runnings":

And whereas under an order of the Board of Agriculture and Fisheries dated the twentieth day of March nineteen hundred and twelve and made in pursuance of the provisions of the said section 22 of the Inclosure Act 1852 provision was made for the payment of certain expenses out of the said two sums and the investment of the surplus thereof in the names of certain trustees and that the interest and annual produce thereof from time to time should be paid over to the Council to be applied by the Council in aid of the general district rate (now the general rate) levied from time to time by the Council in the then parish and urban district of Waltham Holy Cross and under the said order provision was also made for the appointment of new trustees in place of any of the trustees who might die or remain out of the United Kingdom for more than twelve months or desire to resign or refuse or be unfit to act or incapable of acting:

And whereas in or about the year nineteen hundred and twenty-eight the securities representing the compensation moneys hereinbefore mentioned (other than the said seven hundred pounds) were transferred for a nominal consideration into the name of the Council and the Council now hold two and a half per centum consols to an amount of eleven thousand three hundred and seventy-five pounds twelve shillings and ninepence and the income therefrom is applied by the Council in aid of the general rate of the district:

And whereas it is expedient that for the removal of doubts the title of the Council to the said compensation moneys held by the Council and the said securities representing the same should be confirmed and that the Council should be empowered to apply the same in the manner specified in this Act and that upon the whole of the same being so applied the trusts in respect of the said compensation moneys held by the Council should become extinguished:

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63 & 64 Vict.  
c. cexii.

And whereas by the East London Waterworks Act 1900 the East London Waterworks Company were authorised to construct two reservoirs situate partly in the urban district of Waltham Holy Cross as then existing and by section 10 of that Act the said company were required on or before the completion of either of those reservoirs to convey to the Council for the purpose of making a recreation ground or open space five acres of land in the said district (being part of the land within the limits of deviation shown on the deposited plans under the said Act relating to the said reservoirs) and it was by the said section provided that the land so to be conveyed should be in a single piece and should be raised above the flood level and levelled on the surface :

And whereas of the said reservoirs one has been constructed and the other is in course of construction and the said obligation is now binding upon the Metropolitan Water Board as successors of the said company and it is expedient that such provision as is in this Act contained should be made with respect to the substitution by agreement between the Council and the said board of a new obligation in place of the said obligation of the board under the said section 10 :

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

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

23 & 24  
Geo. 5. c. 51. And whereas in relation to the promotion of the Bill for this Act the requirements of sections 253 254 and 255 of the Local Government Act 1933 have been observed :

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

## PART I.

### PRELIMINARY.

1.—(1) This Act may be cited as the Waltham Holy Cross Urban District Council Act 1937.

Short title  
and com-  
mencement.

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(2) The sections of this Act whereof the marginal notes are— A.D. 1937.

PART I.  
—cont.

“ Apportionment to frontagers of expenses of sewer constructed under public highway ” ;

“ Apportionment to frontagers of expenses of construction of sewer before land became a street ” ;

“ Provisions applicable to the last two preceding sections ” ; and

“ As to evasion by owners of sewerage expenses ” ;

shall come into operation on the passing of this Act.

(3) Subject to the provisions of the preceding subsection and of the section of this Act whereof the marginal note is “ Commencement of certain provisions of Part IV ” this Act shall come into operation on the first day of October nineteen hundred and thirty-seven.

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

Division of  
Act into  
Parts.

Part I.—Preliminary.

Part II.—Streets and buildings.

Part III.—Sewers drains &c.

Part IV.—Infectious disease and human food.

Part V.—Parks and recreation grounds.

Part VI.—Lands.

Part VII.—Financial.

Part VIII.—Miscellaneous.

3. The Lands Clauses Acts except sections 127 to 132 of the Lands Clauses Consolidation Act 1845 (relating to the sale of superfluous lands) and except the provisions with respect to the purchase and taking of lands otherwise than by agreement (so far as the same are applicable for the purposes and are not inconsistent with the provisions of this Act) are hereby incorporated with this Act. Incorporation of Lands Clauses Acts.

4.—(1) In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith or by the Public Health Act 1936 have the same respective meanings unless there be something in the subject or context repugnant to such construction. Interpretation. 26 Geo. 5. & 1 Edw. 8. c. 49.

A.D. 1937.

PART I.  
 --cont.

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

“The Council” means the urban district council of Waltham Holy Cross;

“The district” means the urban district of Waltham Holy Cross;

“The clerk” “the treasurer” “the medical officer” “the surveyor” and “the sanitary inspector” mean respectively the clerk the treasurer the medical officer of health the surveyor and any sanitary inspector of the Council;

9 & 10  
 Geo. 5. c. 57.

“The Lands Clauses Acts” means the Lands Clauses Acts as modified by the Acquisition of Land (Assessment of Compensation) Act 1919;

38 & 39 Vict.  
 c. 55.

“The Public Health Acts” means the Public Health Act 1875 and the Acts amending and extending the same;

“The county council” means the council for the administrative county of Essex;

19 & 20  
 Geo. 5. c. 17.

“County road” means any county road as defined in Part III of the Local Government Act 1929 in respect of which the functions of maintenance and repair are for the time being exerciseable by the county council;

41 & 42 Vict.  
 c. 76.

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

18 & 19  
 Geo. 5. c. 31.

“Food” has the meaning assigned to it by section 34 of the Food and Drugs (Adulteration) Act 1928;

“The Minister” means the Minister of Health;

“Daily penalty” means a penalty for each day on which an offence is continued by a person after conviction thereof;

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

“Statutory borrowing power” means any power whether or not coupled with a duty of borrowing or continuing on loan or re-borrowing money or of redeeming or paying off or creating or continuing payment of or in respect of any annuity rentcharge rent or other security representing or granted in lieu of consideration

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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 does 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;

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—cont.

“ 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 Council.

38 & 39 Vict.  
c. 83.

## PART II.

### STREETS AND BUILDINGS.

5.—(1) Every person who intends to lay out a new street shall in addition to the information required to be supplied to the Council by virtue of any enactment or byelaw with respect to streets and buildings from time to time in force within the district distinctly define and mark on a plan drawn to such scale as the Council may require and to be prepared and submitted by such person to the Council for their approval the proposed line of frontage of any house or building to be erected in or fronting such street (in this section called “ the building line ”) and the Council shall be deemed to have approved any building line unless within one month after the date of submission thereof they shall have signified to the person submitting the same their disapproval thereof.

Frontage  
line in new  
streets.

(2) The Council may also prescribe the building line to be observed in those parts of any street (not being

A.D. 1937. a highway maintainable by them or by any highway  
— authority) already formed upon which buildings have  
PART II. not already been erected.  
—cont.

(3) It shall not be lawful to erect or bring forward in any such street any house or building or any part thereof or any addition to any house or building if the building line for such street has been disapproved by the Council or before the expiration of the one month aforesaid without their approval nor without the approval of the Council beyond or in front of the building line approved or prescribed by the Council and any person offending against this enactment shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings.

51 & 52 Vict. (4) The provisions of section 3 of the Public Health  
c. 52. (Buildings in Streets) Act 1888 shall not apply to any house or building erected or proposed to be erected on lands in respect of which a building line as aforesaid shall have been approved or prescribed by the Council.

(5) In the event of the Council requiring as a condition of their approval of any such plan the setting back of the building line shown on the plan to a greater distance from the centre of a new street than one-half of the width of the street and ten feet in addition or in the case of a street already formed to a greater distance from the centre of the street than the line at which buildings could be erected having regard to the provisions of the byelaws with respect to streets and buildings in force within the district or of the Public Health (Buildings in Streets) Act 1888 the Council shall make compensation to the owner of any land lying between the said distance from the centre of the street and the building line as set back for any damage sustained by him by reason of his being unable to build upon such land.

(6) For the purposes of this section the surveyor shall by certificate under his hand at or before the time of the approval of the building line by the Council determine the centre of any street or intended street.

(7) The amount of any compensation payable under this section shall in default of agreement be determined by arbitration in accordance with the provisions of the Lands Clauses Acts.



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(8) Nothing in this section shall apply to or affect any land specifically authorised by Parliament to be used by the Metropolitan Water Board as a pumping station or reservoir for water except in so far as the said board may consent thereto. Provided that any consent required for the purposes of this subsection shall not be unreasonably withheld and any question whether or not such consent is unreasonably withheld shall be determined by the Minister.

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—cont.

6.—(1) On the approval of any plan for a new street or new streets submitted to the Council under any byelaw or enactment for the time being in force the Council may require provision for such intersecting streets as may be reasonably required.

Provision  
for inter-  
secting  
streets.

(2) The expression "intersecting street" in subsection (1) of this section means a side or cross street forming a junction with another street.

(3) Any person who fails to comply with any requirement of the Council under subsection (1) of this section shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding five pounds.

7.—(1) Where plans and sections of a new street have been deposited with and approved by the Council no person except with their consent shall in any such street commence to erect any new building or to excavate for the foundation thereof until he has defined by posts or in some other suitable manner the approved line width and level of so much of the street as abuts upon or adjoins the land on which the building is to be erected or any land which will be occupied in connection with that building and it shall not be lawful for any person except with such consent to erect the building or any fence nearer to the centre of the street than the posts or other marks by which the width of the street has been defined.

No building  
allowed  
until street  
defined.

(2) Any person who shall offend against this section shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings.

8.—(1) Any person who lays out or intends to lay out a new street or part of a new street shall before any building is begun to be erected abutting on such new street or part of a new street if required by the

No build-  
ings to be  
erected  
until street  
formed.

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PART II.  
—cont.

Provided that where any new street is or is intended to be constructed of a length exceeding one hundred yards the Council shall not be empowered to require such new street to be constructed in its entire length by one operation but such new street may be constructed in parts and in such event nothing in this section shall prevent the erection of a new building abutting on any part of such street in reference to which the foregoing provisions of this section have been complied with.

55 & 56 Vict.  
c. 57. (2) The execution of any works under the provisions of this section shall not relieve any person of any liability under the Private Street Works Act 1892 or under the local Acts for the time being in force within the district.

(3) Any person offending against this enactment shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding five pounds.

Planting of  
trees in  
private  
streets.

9. The Council when carrying out any private street works may with the consent in writing of a majority in number and rateable value of the owners of houses and land in such street cause trees or shrubs to be planted and grass margins to be laid out in such street and erect guards or fences and otherwise do everything expedient for the protection of such trees shrubs and grass margins and any expense incurred by the Council under this section shall be deemed part of the expenses of carrying out the private street works in any such street Provided that no such tree shrub grass margin guard or fence shall be placed or laid out in such a situation as to hinder the reasonable use of the highway by any person entitled to the use thereof or so as to be a nuisance or injurious to the owner or occupier of any land or premises adjacent to the said street :

Provided also that for the purposes of section 7 of the Telegraph Act 1878 any work done in exercise of the powers conferred by this section shall be deemed to be work done in the execution of an undertaking authorised.

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by an Act of Parliament and the Council shall be deemed to be the undertakers. A.D. 1937.

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—cont.

10. Where in the opinion of the Council repairs the cost of which will not exceed ten pounds are required in the case of any street not being a highway repairable by the inhabitants at large to obviate or remove danger to any passenger or vehicle in the street the Council may execute such repairs as they deem necessary and may themselves pay such cost and the execution of such repairs and the payment of such cost shall not prejudice or affect any statutory provisions for the time being in force relating to private street works and private improvement expenses or similar matters or of section 19 (As to urgent repairs to private streets) of the Public Health Acts Amendment Act 1907.

As to urgent repairs of private streets.

7 Edw. 7.  
c. 53.

11.—(1) Subject to the provisions of this section a court of summary jurisdiction if satisfied on the application of the Council that a highway within the district is unnecessary may by order authorise the stopping up thereof and if so satisfied that a highway within the district can be diverted so as to make it nearer or more commodious to the public may by order authorise it to be so diverted :

Stopping up and diversion of highways.

Provided that the Council shall not make an application under this section in regard to a county road without the consent of the county council.

Any such application or order may be made with respect to any length of a highway and in the subsequent provisions of this section any reference to a highway shall be construed as a reference to that length thereof to which the application or order relates.

(2) No order shall be made under subsection (1) of this section unless the court is satisfied that notice of the intention to make the application specifying the time and place at which it is to be made and the order which will be asked for and embodying a plan showing what will be the effect of the order asked for—

(a) has at least twenty-eight days before the date on which the application is made been served either personally or by registered post on the owners or reputed owners and the occupiers of all land abutting on the highway and (when

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—cont.

the application relates to a classified road as defined in the Local Government Act 1929) on the Minister of Transport and the county council; and

- (b) has during at least twenty-eight days been exhibited in such manner and in such positions on or near the highway as are reasonably sufficient for notifying persons using the highway of the application;

and that a similar notice (except that there may be substituted for the plan a statement of the place where such a plan can be inspected at all reasonable hours without payment) has been inserted once at least in each of four successive weeks in a local newspaper circulating in the district.

(3) On the hearing of such an application the Council and any person who is interested in land abutting on or served by the highway or uses the highway or is otherwise aggrieved shall have a right to be heard and an appeal against the decision of the court may be brought to quarter sessions either by the Council or by any such person as aforesaid who was or claimed to be heard by the court.

42 & 43 Vict.  
c. 49.  
23 & 24  
Geo. 5. c. 38.

(4) For the purposes of the provisions of the Summary Jurisdiction Act 1879 as amended by the Summary Jurisdiction (Appeals) Act 1933 with respect to appeals to quarter sessions—

- (a) a refusal by a court of summary jurisdiction to make an order under this section shall be deemed to be an order;
- (b) in a case where more than two persons were heard or claimed to be heard in opposition to an application under this section it shall be sufficient if a notice of appeal against a refusal to make an order upon that application is served upon any two of those persons in addition to the clerk to the court of summary jurisdiction but any of those persons whether served with such a notice or not may appear at quarter sessions as respondents to the appeal;
- (c) any appeal under this section whether against an order or against a refusal to make an order shall be in the nature of a re-hearing.

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(5) Every order made under this section shall have annexed thereto a plan signed by the chairman of the court and shall be binding on all persons whatsoever.

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(6) Provided that—

- (i) nothing in this section shall authorise the diversion over any land of any highway unless the written consent of every person interested in that land is produced to and deposited with the court; and
- (ii) an order under this section authorising the diversion of a highway shall not authorise the stopping up of any part thereof until the new part to be substituted for the part stopped up has been completed to the satisfaction of two justices and a certificate to that effect signed by them has been transmitted by their clerk to the clerk of the peace.

(7) Where an order is made by a court of summary jurisdiction under this section authorising the stopping up or diversion of a highway the clerk of the court shall forthwith transmit the order to the clerk of the peace together if the order be for diverting a highway with the written consents produced to the court and the clerk of the peace shall enrol any documents so transmitted to him and any certificates transmitted to him under subsection (6) of this section among the records of quarter sessions.

(8) Where any highway is diverted in accordance with an order made under this section the substituted highway shall be repairable by the person (if any) by whom the original highway was repairable.

(9) Any application or order under this section—

- (a) may include two or more highways which are connected with each other;
- (b) may relate to the stopping up or diversion of a highway for the purposes of all traffic or subject to the reservation of a bridleway or footway.

(10) The provisions of this section shall be in addition to and not in derogation of any other provisions relating to the stopping up and diversion of highways.

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PART II.  
—cont.

Power to  
vary width  
of carriage-  
ways and  
footways.

Adjustment  
of  
boundaries  
of streets.

**12.** The Council may if they think fit in any case vary the relative widths of the carriageway and footway or footways in any street repairable by the inhabitants at large not being a county road. Provided that twenty-one days before commencing any work under this section which will materially reduce the width of any carriageway or footway the Council shall send notice of the proposed work to the Minister of Transport.

**13.**—(1) The Council may enter into and carry into effect agreements with any owner of lands adjoining any street for the adjustment of the boundary of any such street and for such purpose may give up to such owner land including land forming part of the street in exchange for other land. For the purposes of this section the Council shall be deemed to be the owners of the land forming the site of the street and shall be entitled to convey the same in accordance with an agreement entered into in pursuance of this section.

(2) Provided that no such agreement shall be entered into until the expiration of one month from the date on which notice of the proposals has been given by advertisement in some local newspaper circulating in the district and during such period of one month any four inhabitant householders of the district by themselves or their agent may appeal to a court of summary jurisdiction against the proposals and subsections (2) to (7) of the section of this Act whereof the marginal note is "As to appeals" shall apply to any such appeal as if the proposals were a decision of the Council.

(3) Provided that the Council shall not enter into and carry into effect any agreement under this section in regard to a county road without the consent of the county council.

(4) Notwithstanding any agreement entered into under this section the Postmaster-General shall continue to have the same powers and rights in respect of any telegraphic line belonging to or used by him which remains in under upon over along or across the site of any such street as if the same had continued to be part of the street and if by reason or in consequence of any such agreement it becomes necessary to alter any such telegraphic line the enactments contained in section 7 of the Telegraph Act 1878 shall apply to any such alteration

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as though the Council or the owner of the adjoining land (as the case may be) were "undertakers" within the meaning of the said Act.

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—cont.

(5) Nothing in this section shall be taken to dispense with the consent of any Government department to any appropriation exchange or other disposition of any lands of the Council in any case in which such consent would have been required if this Act had not been passed.

14.—(1) Where the owner or occupier of any premises fronting or abutting on any street repairable by the inhabitants at large habitually uses or permits to be used any kerbed footway or paved footway in such street as a crossing for any horse or horse-drawn or mechanically propelled vehicle (other than a motor-cycle) in passing to and from such premises the Council may either—

Crossings  
for horses  
or vehicles  
over foot-  
ways.

(a) require the construction across such footway of a carriage-crossing for the purpose aforesaid constructed of such materials and in such manner as they may prescribe; or

(b) allow the use of the footway for the purpose aforesaid subject to the condition that the footway is strengthened or adapted in such manner as the Council may prescribe or subject to such other reasonable conditions (if any) as they may impose.

(2) If the Council require the construction of any carriage-crossing across the footway or allow the use of the footway subject to a condition that it is strengthened or adapted they may execute such works as may be necessary to secure compliance with such requirement or condition and may recover the expenses of so doing from the owner or occupier.

(3) If the Council allow the use of the footway as a crossing for any horse or horse-drawn or mechanically propelled vehicle other than a motor-cycle subject to any condition other than the strengthening or adaptation of the footway any person who knowingly uses or permits to be used the footway as a crossing as aforesaid in contravention of that condition shall be liable to a penalty not exceeding five pounds.

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—cont.

(4) Notwithstanding the provisions of section 18 of the Public Health Acts Amendment Act 1907 every person desirous of forming a carriage-crossing across a footway in any street or of strengthening or adapting any part of any such footway as a carriage-crossing shall apply in writing to the Council for an estimate of the cost thereof and after having obtained such estimate may deposit with the Council the amount thereof. When such deposit shall have been made the Council shall with all convenient speed carry out the works and any difference between the sum so deposited and the actual cost of the works shall be paid to or by the Council by or to such person as the case may require.

(5) Nothing in this section shall impose on the owner or occupier any obligation to maintain any crossing constructed or footway strengthened or adapted in pursuance of a requirement of or condition imposed by the Council under this section.

(6) Nothing in this section shall apply to a county road.

Streets

broken up  
to be  
reinstated.

**15.**—(1) When any street repairable by the inhabitants at large shall be opened or broken up by any person he shall with all convenient speed complete the work on account of which the same shall have been broken up and fill in the ground and reinstate and make good to the reasonable satisfaction of the surveyor and with materials to be reasonably approved by him the street so opened or broken up.

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

(3) In respect of any street which is a county road the provisions of subsection (1) of this section shall be read and have effect as if the expression "the surveyor" meant the surveyor of the county council.

Direction  
signs.

**16.**—(1) The Council may cause to be put up or painted on a conspicuous part of any house building or place at or near to the corner of any street signs indicating the classified road number of such street and the direction or the distance to towns railway stations public buildings and other places of a public character.



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(2) Before putting up or painting a sign on a house building or place the Council shall give to the owner of such house building or place notice of their decision so to do.

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—cont.

(3) Any person who shall wilfully and without the consent of the Council obliterate deface obscure remove or alter any such sign otherwise than in the course of demolishing or altering the house or building shall be liable to a penalty not exceeding forty shillings and the Council may recover the expenses of replacement and making good from such person.

(4) The exercise of the powers conferred by this section shall be subject to the provisions of the Road Traffic Acts 1930 to 1934 with respect to traffic signs and to any regulations made or any general or other directions given by the Minister of Transport in pursuance of the said provisions.

**17.**—(1) If the Council shall by resolution determine that any stall structure or other erection on any forecourt is by reason of its character injurious to the amenities of the street in which such forecourt is situate they may by notice in writing require the owner of or person responsible for such stall structure or other erection within such period (not being less than seven days) as may be specified in the notice to make such alterations to such stall structure or other erection as may be necessary to prevent the same from being injurious to the amenities of such street.

Provision  
as to fore-  
courts.

(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.

**18.**—(1) In any case in which the forecourt of any premises adjoining a street or any steps or projection placed in any such forecourt or any goods placed therein whether for sale or not are a source of danger obstruction or inconvenience to the public the Council may require the owner of the premises well and sufficiently to fence such forecourt from the street.

Fencing of  
forecourts.

(2) Any person who shall fail to comply with any requirement under this section shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

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PART II.  
—cont.

Window  
blinds &c.

**19.**—(1) Any person erecting setting up or placing any blind shade covering or awning over any footway shall so erect set up or place the same that no part thereof shall project over any part of the footway which is less than one foot six inches from the outer edge of the kerb of such footway.

(2) Every such blind shade covering or awning shall be constructed and maintained so as to secure in accordance with the requirements of the Council the safety and convenience of the public.

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

Signs over  
streets.

**20.**—(1) In this section “sign” means any banner streamer notice board sign or lettering for the purposes of advertisement or announcement (including the supports thereof) which is suspended or extends for more than two feet over any street or which extends for more than six inches over any street and is more than two feet six inches in height from the top to the bottom thereof.

(2) (a) If it appears to the Council that any sign which is placed over any street at the commencement of this Act is a source of danger or objectionable by reason of its size construction or situation or an injury to the amenities of the street over which it is placed they may by notice in writing require the owner of or person responsible for the placing of such sign to remove it or to comply with such conditions as may be specified in the notice within such period not being less than seven days as may be specified in the notice.

(b) For a period of two years from the commencement of this Act the foregoing provisions of this subsection shall not apply to any sign which was in use on the first day of November nineteen hundred and thirty-six.

(3) (a) After the commencement of this Act no person shall without the consent of the Council place any sign over any street :

Provided that the Council shall consult the county council before giving their consent to the placing of any sign over any street which is a county road.

(b) The consent of the Council under this subsection shall not be withheld except on the ground that in their opinion the sign would be a source of danger or objectionable by reason of its size construction or situation or an injury to the amenities of the street and such consent may be given subject to such conditions as the Council may think fit.

A.D. 1937.

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PART II.  
—cont.

(4) Any person who (a) neglects or refuses to comply with the requirement of any such notice as is referred to in subsection (2) of this section or (b) after the date of the passing of this Act places any sign over any street without the consent of the Council or without complying with any conditions attached to any such consent shall be liable to a penalty not exceeding twenty shillings and to a daily penalty not exceeding ten shillings and the Council may themselves remove any such sign and any expense incurred by them in so doing may be recovered by them from such person.

21.—(1) (a) No wall fence hoarding or other similar structure (in this section referred to as "structure") of a greater height than six feet six inches above the level of the ground at the nearest boundary of the street shall be erected or brought forward on any land in any street—

As to  
hoardings  
and similar  
structures.

(i) beyond any building line prescribed by the Council in respect of the land under the provisions of any Act; or

(ii) if there be no such line beyond any line which is enforceable by the Council for buildings under subsection (2) of section 140 of the Housing Act 1936; or

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

(iii) if there be neither of such lines beyond the line to which any house or building erected or brought forward on the land would have to conform under the provisions of the Public Health (Buildings in Streets) Act 1888.

(b) Any person who shall offend against the provisions of this subsection shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings and the Council may take down or remove any structure erected in contravention of those provisions and recover the expenses incurred by them in so doing from the offender.

A.D. 1937.

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PART II.  
—cont.

(2) (a) The Council may by notice in writing require the owner or occupier of any land upon which any structure exists at the commencement of this Act which would (if erected after the commencement of this Act) have contravened the provisions of subsection (1) of this section to remove or alter such structure within such time (not being less than six days) as may be specified in the notice in such a manner as to comply with those provisions and the Council shall on demand repay to the owner or occupier of such land the reasonable expenses incurred by him in so doing.

(b) Any person who shall neglect or refuse to comply with a notice from the Council given in pursuance of this subsection shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings and the Council may at their own expense take down or remove and if required by the owner or occupier shall re-erect so as not to contravene the provisions of subsection (1) of this section any structure erected or maintained in contravention of those provisions.

(3) The provisions of this section shall not be enforceable with regard to any structure existing at the commencement of this Act for a period of five years from such date and shall not apply to any wooden structure fence or hoarding of a moveable or temporary character erected by a builder for his use during the construction alteration or repair of any building unless the same is not taken down or removed immediately after such construction alteration or repair is complete.

(4) The provisions of this section shall not apply to an open unclimbable iron fence not exceeding eight feet in height erected as a necessary protection against trespass on land used by I.C.I. Metals Limited for the purpose of manufacturing or storing any products of which the manufacture or storage is subject to the provisions of the Explosives Act 1875 or any orders or regulations made thereunder.

38 & 39 Vict.  
c. 17.

Height of  
obstruc-  
tions to  
view at  
street  
corners.

**22.**—(1) For the purpose of facilitating traffic by removing obstructions to view within a distance of twelve yards from the corner of any street the Council may give notice to the owner or occupier of any land situate within such distance prescribing the height not being less than four feet six inches above the ground level

of such street at the nearest boundary of fences hoardings  
boundary walls banks hedges trees shrubs and similar  
obstructions within such distance of such corner and the  
following provisions shall have effect :—

A.D. 1937.

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PART II.  
—cont.

(a) Unless such notice is withdrawn by the Council no person shall erect a fence hoarding boundary wall bank or similar obstruction or permit a hedge tree or shrub to grow at a greater height than that prescribed contrary to the requirements of the notice ;

(b) If required by the Council the owner or occupier of such land shall reduce the height of any fence hoarding boundary wall bank hedge tree shrub or similar obstruction which exceeds that prescribed by the notice to a height not exceeding that so prescribed.

(2) Any person who contravenes the provisions of paragraph (a) of subsection (1) of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings and the Council may reduce the height of such fence hoarding boundary wall bank hedge tree shrub or similar obstruction to the height prescribed by them.

(3) If any person for the period of one month after the service of a notice upon him by the Council of a requirement under paragraph (b) of subsection (1) of this section fails to comply therewith the Council may themselves carry out the requisition of their notice doing no unnecessary damage.

(4) Where any tree hedge or shrub within fifteen yards of such corner obstructs such view as is referred to in subsection (1) of this section the Council may serve a notice on such owner or occupier requiring him to cut lop or top the tree hedge or shrub within fourteen days so as to prevent such obstruction and such notice shall be sufficient authority to the person so served to execute the work prescribed in the notice In default of compliance the Council may themselves carry out the requisition of their notice doing no unnecessary damage.

(5) Any person appealing under the section of this Act whereof the marginal note is "As to appeals"

A.D. 1937. against any requirement of the Council under this  
section shall do so within fourteen days from the date  
of the service of the notice.

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PART II.  
—cont.

(6) The provisions of this section shall not with regard to any fence hoarding boundary wall or similar obstruction existing at the commencement of this Act and used for advertising purposes be enforceable for a period of five years from such date and shall not apply to any wooden structure fence or hoarding of a moveable or temporary character erected by a builder for his use during the construction alteration or repair of any building unless such structure fence or hoarding is not taken down or removed immediately after such construction alteration or repair is complete.

(7) Nothing in this section shall apply with respect to any boundary wall or bank belonging to the Lee Conservancy Board so long as such wall or bank forms part of and is necessary for the maintenance of their navigation.

Restrictions  
on adver-  
tisement  
hoardings.

**23.**—(1) For the purpose of preserving the amenities of the district it is hereby enacted that it shall not be lawful after the commencement of this Act to erect in or within fifteen feet of any street in the district any hoarding or similar structure to be used either partly or wholly for advertising purposes to a greater height than twelve feet above the level of such street without the consent of the Council and such consent may be given subject to such conditions as to the submission of a plan and elevation and as to the dimensions and maintenance of such hoarding or similar structure as the Council may determine.

(2) Any person acting in contravention of this section or of the terms and conditions (if any) of such consent shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

Repair of  
hoardings  
&c.

**24.**—(1) The Council may by notice in writing require—

(a) the owner of any hoarding wall or similar structure used for advertising purposes to maintain the same in good order and condition;

(b) the person using any hoarding wall or similar structure for advertising purposes to maintain any advertising matter thereon in good order and condition.

A.D. 1937.

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PART II.  
—cont.

(2) If such owner or other person shall neglect or refuse to comply with any such notice the Council may carry out such alterations or repairs as may be reasonably necessary and recover summarily as a civil debt from such owner or other person any expense incurred by them in so doing.

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

Power to  
order  
alteration of  
chimneys.

**26.** In exercising any powers of entry upon and inspection of any building or works in course of construction the surveyor and his assistants shall have from the builder of or contractor for such building or works free of expense all reasonable use and assistance of ladders scaffolding and plant in and about such building or works Any person who shall refuse such use and assistance as aforesaid or shall obstruct the surveyor or his assistants in the use of such ladders scaffolding and plant as aforesaid shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

Powers on  
inspection.

A.D. 1937.

PART II.  
—cont.

Sanitary  
conveni-  
ences for  
workmen  
engaged on  
buildings.

**27.**—(1) The contractor or builder engaged in or upon the erection of a new building or the construction or reconstruction of any works shall where practicable and if required by the Council provide to the reasonable satisfaction of the Council and until the completion of any such erection construction or reconstruction maintain such water or other closets and urinals in or in connection with such building or works as may be sufficient for the accommodation of the workmen employed.

(2) Any person who shall offend against this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

For protec-  
tion of  
certain  
statutory  
under-  
takers.

**28.** For the protection of the Metropolitan Water Board the North Metropolitan Electric Power Supply Company and the Tottenham and District Gas Company (each of whom are in this section referred to as “the statutory undertaker”) the following provisions shall unless otherwise agreed in writing between the Council and the statutory undertaker apply and have effect (that is to say) :—

(1) In this section “apparatus” means and includes any mains pipes valves electric lines (as defined in the Electric Lighting Act 1882) or any works or apparatus belonging to the statutory undertaker :

(2) Whenever by virtue of the section of this Act of which the marginal note is “Stopping up and diversion of highways” any highway or part of a highway in which any apparatus is for the time being laid or placed is stopped up the statutory undertaker shall be at liberty to remove such apparatus and to relay or replace the same in the highway (if any) substituted for the highway or part of a highway so stopped up in such position as the Council may reasonably approve or in such other situation as the Council may reasonably approve or to provide and lay or place in such substituted highway or other situation similar apparatus equally suitable in lieu of such existing apparatus and the Council shall on demand repay to the

45 & 46 Vict.  
c. 56.



[1 EDW. 8. & *Waltham Holy Cross* [Ch. xlvi.]  
1 GEO. 6.] *Urban District Council Act, 1937.*

statutory undertaker the cost reasonably incurred by them in so doing :

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PART II.  
—cont.

(3) Not less than twenty-eight days before—

(a) the Council in the exercise of the powers of the section of this Act of which the marginal note is “ Power to vary width of carriageways and footways ” add to the carriageway of a street any portion of the footway in or under which any apparatus is for the time being situate ; or

(b) pursuant to the section of this Act of which the marginal note is “ Crossings for horses or vehicles over footways ” a carriage crossing is constructed across the footway of any street in or under which any apparatus is for the time being situate or the use of any such footway as a carriage crossing is allowed by the Council ;

the Council shall give notice in writing to the statutory undertaker accompanied (in the case of the addition of part of a footway to the carriageway) by a plan and section and the statutory undertaker may if such alteration shall be reasonably necessary and shall if so required by the Council alter the position of any such apparatus in or under such footway by relaying or replacing the apparatus in such position (in or under either the carriageway or the footway) and (in the case of underground apparatus) at such depth as may be reasonable and the Council shall repay to the statutory undertaker the reasonable expenses of or in connection with such alteration of position :

(4) (a) Whenever the Council in the exercise of the powers of the section of this Act of which the marginal note is “ Adjustment of boundaries of streets ” shall give up land forming part of a street in exchange for other land there being in such first-mentioned land at the date of such giving up any apparatus the Council shall give notice in writing to the statutory undertaker of such exchange with a plan showing the position and dimensions of the portion of the

A.D. 1937.

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PART II.  
—cont.

street so exchanged and the statutory undertaker may if the same shall be reasonably necessary and shall if required by the Council alter the position of such apparatus to such other position as may be reasonable having regard to the circumstances and the Council shall repay to the statutory undertaker the reasonable expenses of and in connection with such alteration of position ;

(b) Notwithstanding any exchange under the said section the statutory undertaker shall continue to have the same powers and rights in respect of any apparatus which remains in or under the site of any portion of a street which is the subject of any such exchange as if the same had continued to be part of the street :

- (5) The statutory undertaker shall give to the Council not less than twenty-one days' notice of their intention to alter (otherwise than by the requirement of the Council) the position of any apparatus under the provisions of subsection (2) subsection (3) or subsection (4) of this section and shall at the same time deliver to the Council a plan and section of the proposed alteration. If such plan and section are not disapproved by the Council within twenty-one days from the receipt thereof the depth and position of the apparatus shown thereon shall be deemed to be reasonable and the alteration of the position of the apparatus shall be deemed to be reasonably necessary :
- (6) Any difference between the Council and the statutory undertaker under this section (other than a difference as to the meaning or construction of this section) shall be referred to arbitration.

For further  
protection  
of Metro-  
politan  
Water  
Board.

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

- (1) In this section " apparatus " means and includes any mains pipes valves works or apparatus belonging to the board :

[1 EDW. 8. & *Waltham Holy Cross* [Ch. xlvi.]  
1 GEO. 6.] *Urban District Council Act, 1937.*

(2) Whenever by reason of the exercise by the Council of the powers of the section of this Act of which the marginal note is "Stopping up and diversion of highways" any apparatus (other than apparatus for which new apparatus has been substituted at the expense of the Council under the provisions of subsection (2) of the preceding section of this Act) is rendered derelict useless or unnecessary the Council shall forthwith pay to the board such sum as may be agreed between the Council and the board or as failing such agreement shall be determined by arbitration as hereinafter provided to be the value of such apparatus and such apparatus shall upon such payment become the property of the Council:

(3) The Council shall repay to the board the reasonable cost of and incidental to the cutting off of any apparatus from any other apparatus in consequence of any such removal and relaying of apparatus as are referred to in subsection (2) of the preceding section of this Act or in consequence of any apparatus being rendered derelict useless or unnecessary:

(4) Any difference between the Council and the Board under this section (other than a difference as to the meaning or construction of this section) shall be referred to arbitration.

**30.** Nothing contained in the sections of this Part of this Act of which the marginal notes are—

"Frontage line in new streets";

"No building allowed until street defined";

"No buildings to be erected until street formed";

shall extend or apply to any building (not being a house) wharf or work constructed by or belonging to or which may hereafter be constructed by or belong to the Lee Conservancy Board in the exercise of their statutory powers or to any lands held or acquired or which may hereafter be held or acquired by the Lee Conservancy Board with the authority of Parliament so long as any such building wharf work or land is used or held by the

A.D. 1937.

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PART II.  
—cont.

For protection of  
Lee Conservancy  
Board.

A.D. 1937. Lee Conservancy Board primarily for the purposes of their navigation.

PART II.  
—cont.

For protection of conservators of Epping Forest.

**31.** For the protection of the mayor and commonalty and citizens of the city of London acting by the mayor aldermen and commons of the said city in common council assembled as the conservators of Epping Forest (in this section referred to as "the conservators") the following provision shall unless otherwise agreed in writing between the Council and the conservators apply and have effect (that is to say):—

The powers of the sections of this Act of which the marginal notes are "Direction signs" and "Height of obstructions to view at street corners" shall not be exercised by the Council in any part of Epping Forest as defined by the Epping Forest Acts 1878 and 1880 without the consent of the conservators.

41 & 42 Vict.  
c. ccxiii.  
43 & 44 Vict.  
c. cxxx.

PART III.

SEWERS DRAINS &C.

Apportionment to frontagers of expenses of sewer constructed under public highway.

**32.**—(1) Where the Council resolve to construct a sewer in a street or part of a street within the district repairable by the inhabitants at large which has not been previously sewered and the resolution states that the construction of the sewer will in the opinion of the Council increase the value of premises fronting adjoining or abutting on such street or part of a street then subject to the provisions of the section of this Act whereof the marginal note is "Provisions applicable to the last two preceding sections" the expenses incurred by the Council in constructing the sewer so far as they do not exceed the sum authorised by that section shall be apportioned by the Council on the premises fronting adjoining or abutting on the street or part of a street according to the frontages of the respective premises as existing at the date when the resolution becomes operative.

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

[1 EDW. 8. & *Waltham Holy Cross* [Ch. xlvii.]  
1 GEO. 6.] *Urban District Council Act, 1937.*

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

A.D. 1937.  
—  
PART III.  
—cont.

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

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

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

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

**34.**—(1) The sum apportionable under either of the two last preceding sections shall not exceed the sum certified by the surveyor to be at the time the average cost per lineal yard of providing a sewer having an internal diameter of nine inches in a private street in the district multiplied by the extent in lineal yards (as so certified) of the sewer or length of sewer in question.

Provisions applicable to the last two preceding sections.

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

A.D. 1937.

PART III.  
—cont.

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

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

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

(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.

25 & 26  
Geo. 5. c. 47.

[1 EDW. 8. & *Waltham Holy Cross* [Ch. xlvi.]  
1 GEO. 6.] *Urban District Council Act, 1937.*

(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.

A.D. 1937.

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PART III.  
—cont.

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 whereof the marginal note is "Apportionment to frontagers of expenses of sewer constructed under public highway" has been passed but the construction of the sewer to which it relates has not been completed within two years from the date when the resolution became operative all liabilities of frontagers consequent thereon shall cease to have effect.

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

(9) Where under this section any sum becomes recoverable in respect of any premises that sum together with interest from the date of service of a demand therefor may be recovered summarily as a civil debt by the Council from the person who is the owner of the premises at the date when a demand for payment is served and as from that date that sum and interest accrued due thereon shall until recovered be a charge on the premises and on all estates and interests therein and

A.D. 1937. the following provisions of the Public Health Act 1936  
PART III. shall apply as if they were re-enacted in this Act and  
—cont. 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.

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

- (i) that the owner of any land has conveyed sold leased or otherwise disposed of a portion of the land; and
- (ii) that by reason of such disposition any part of the land has ceased to be or has not become land 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 ” or as the case may be of the section of this Act of which the marginal note is “ Apportionment to frontagers of ex- “ penses of construction of sewer before land “ became a street ”; and
- (iii) that the disposal of such portion of the land was effected with the intention and for the purpose of the evasion of the payment of expenses under the sections in question;

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



[1 EDW. 8. & *Waltham Holy Cross* [Ch. xlvi.]  
1 GEO. 6.] *Urban District Council Act, 1937.*

“ before land became a street ” may be recovered and is charged on the premises under the said last preceding section of this Act.

A.D. 1937.  
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PART III.  
—cont.

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

Improper construction or repair of watercloset or drain.

(2) Provided that where a person is charged with an offence under this section he shall be entitled upon information duly laid by him to have any other person being his agent servant or workman whom he charges as the actual offender brought before the court at the time appointed for hearing the charge and if the person charged proves to the satisfaction of the court that he has used due diligence to prevent the commission of the offence and that the said other person committed the offence without his knowledge consent or connivance he shall be exempt from any penalty and the said other person may be summarily convicted of the offence.

**37.**—(1) The powers of the Council under section 21 of the Public Health Act 1925 shall extend to authorise them to require the execution and maintenance of such works as may be necessary to convey surface water from premises to which that section applies to some drain sewer or watercourse or the disposal of such surface water in such other manner as the Council may require.

Water from buildings &c. to be conveyed to sewers.  
15 & 16  
Geo. 5. c. 71.

(2) It shall be the duty of all owners of land or premises to provide lay and keep in repair such gutters drains channels and other works as may be requisite for complying with section 21 of the Public Health Act 1925 as amended by this section and for the purpose of laying and repairing the same the owner of any land or premises may take up so much of any street as may be requisite and such gutters drains channels and other works shall be laid and thereafter kept in good repair and condition and the street shall be reinstated under the direction of the surveyor and all damage occasioned to the street shall be made good by such owner to the satisfaction of the surveyor.

A.D. 1937.

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PART III.  
—cont.

(3) In the event of default on the part of the owner of any land or premises to comply with the provisions of subsection (2) of this section the Council may execute any necessary work and recover the cost of so doing from such owner.

20 & 21

Geo. 5. c. 44.

(4) Nothing in this section shall extend to authorise works for the discharge of surface water into any main river (within the meaning of the Land Drainage Act 1930) within the Lee catchment area in such a manner as to interfere with the efficient working of the drainage system of such catchment area.

#### PART IV.

##### INFECTIOUS DISEASE AND HUMAN FOOD.

Commence-  
ment of  
certain pro-  
visions of  
Part IV.

**38.**—(1) The sections of this Part of this Act whereof the marginal notes are—

“As to sale of food from barrows &c.”;

“Medical practitioners to notify cases of food poisoning”;

“Registration of premises used for preparation of preserved food”;

shall come into operation on but not until such date (not being earlier than the first day of October nineteen hundred and thirty-seven) as may be fixed by a resolution of the Council of which date public notice shall be given by the Council by advertisement in one or more local newspapers circulating in the district. Every such advertisement shall also state the effect of the provisions to which it relates and the date specified therein as the date on which such provisions shall come into operation shall not be less than one month after the date of publication of the advertisement. Provided that if the provision is one which requires the registration of any person or premises the application for the registration may be made and determined before the provision comes into operation.

(2) A copy of a newspaper containing such advertisement shall be sufficient evidence of the publication of the advertisement.

(3) As respects any of the said provisions which requires the registration of persons carrying on any

[1 EDW. 8. & *Waltham Holy Cross* [Ch. xlvi.]  
1 GEO. 6.] *Urban District Council Act, 1937.*

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 registration as is required by this Act;

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

**39.**—(1) The occupier of any building which is used for human habitation and in which there is or has been any person suffering from a notifiable disease shall on the application of the medical officer at any time during the illness of such person or within six weeks from the existence of such illness furnish such information within his knowledge as the medical officer may reasonably require for the purpose of enabling measures to be taken to prevent the spread of the disease.

(2) Any occupier refusing to furnish such information or knowingly furnishing false information shall be liable to a penalty not exceeding forty shillings.

(3) The provisions of this section shall not apply to any hospital or sanatorium belonging to or under the control of the county council.

**40.**—(1) If the medical officer has reasonable cause to believe that in any premises there is a person who is suffering or who has recently suffered from a notifiable disease he may on obtaining a warrant from a justice of the peace which such justice is hereby authorised to grant enter such premises and examine any person found therein with a view to ascertaining whether he is suffering or has recently suffered from such disease :

Provided that the medical officer shall not under the powers of this section—

- (a) enter any premises except between the hours of seven in the morning and ten in the evening; or

A.D. 1937.

—  
PART IV.  
—cont.

Information to be furnished in case of notifiable disease.

Entry into premises in case of disease.

A.D. 1937.  
—  
PART IV.  
—cont.

(b) examine a person who is already under the treatment of a medical practitioner except with the consent of the latter.

(2) Any person who obstructs the medical officer in the exercise of his power under this section shall in addition to any other punishment to which he may be subject be liable to a penalty not exceeding five pounds.

Compensation to persons for ceasing employment to prevent spread of disease.

41. If any person at the request of the Council or the medical officer stop his employment for the purpose of preventing the spread of a notifiable disease the Council may make compensation to him for any loss occasioned by reason of such stoppage.

Supply of antidotes against notifiable disease.

42. The Council may provide and supply (with or without charge therefor) to any registered medical practitioner antidotes and remedies against any notifiable disease.

Extension of powers of section 72 of Public Health Act 1925.

43.—(1) Section 72 of the Public Health Act 1925 (except paragraphs (d) and (e) of subsection (2) of that section) shall apply so far as applicable to a yard in which food is prepared for sale or in which any food other than food contained in receptacles so closed as to exclude all risk of contamination is sold or is stored or kept with a view to future sale and to which yard the Factory and Workshop Act 1901 as amended by any subsequent enactment or any regulation made under the Public Health (Regulations as to Food) Act 1907 does not apply.

1 Edw. 7.  
c. 22.  
7 Edw. 7.  
c. 32.

(2) The said section shall in its application to the district be read and have effect as if the following provisions were added after subsection (2) thereof (that is to say) :—

“ The occupier of any room to which this section applies and which is used for the preparation of food for sale or (except in the case of food contained in receptacles so closed as to exclude all risk of contamination) for the sale of food shall cause to be provided in connection with the room—

(a) a satisfactory water supply; and

[1 EDW. 8. & *Waltham Holy Cross* [Ch. xlvi.]  
1 GEO. 6.] *Urban District Council Act, 1937.*

(b) suitable washing sinks with a sufficient supply of hot water together with an adequate supply of soap and towels for the use for toilet purposes of persons employed therein."

A.D. 1937.  
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PART IV.  
—cont.

44.—(1) On any inspection of any room or yard carried out by the medical officer sanitary inspector or any other officer of the Council under the provisions of subsection (5) of section 72 of the Public Health Act 1925 as extended by the last preceding section of this Act such officer shall have power to take samples of any such materials commodities or articles of food found therein making reasonable payment therefor and if he intends to submit any sample to analysis or bacteriological examination he shall forthwith notify to the occupier of such room or yard or his agent his intention to have the same analysed by the public analyst or examined by a bacteriologist appointed by the Council or employed by them for the purpose and shall divide the sample into three parts to be then and there separated and each part to be marked and sealed or fastened up in such manner as its nature will permit and shall if required to do so deliver one of the parts to such occupier or agent The officer shall afterwards retain one of the said parts for future comparison and submit the third part if he deems it right to have the sample analysed or examined to the public analyst or such bacteriologist.

As to in-  
spection of  
premises  
used for  
storage of  
food.

(2) The expression " public analyst " in this section means the analyst appointed in pursuance of section 15 of the Food and Drugs (Adulteration) Act 1928.

(3) If any such officer as aforesaid has reasonable ground for suspecting that any material commodity or article of food of which he takes a sample under the powers of this section is likely to cause the occurrence of food poisoning he may by notice in writing delivered to the occupier of the room or yard in which such material commodity or article is found or his agent require that such material commodity or article or any part thereof shall not during such time not exceeding forty-eight hours as may be appointed by such notice or during any longer time which may with the consent of such occupier or his agent be appointed by a further

A.D. 1937. notice delivered as aforesaid be removed except to any  
such place as may be specified in the notice.

PART IV.

—cont.

As to sale  
of food  
from  
barrows &c.

45.—(1) As from the commencement of this section every dealer in any article intended for food vending his wares from any cart barrow vehicle or stall or from a basket pail container or similar receptacle used without a cart barrow vehicle or stall shall have his name and address legibly painted inscribed or displayed on such cart barrow vehicle pail basket container or receptacle or clearly exhibited on such stall and any person who shall fail to comply with this section shall be liable to a penalty not exceeding forty shillings :

5 & 6 Geo. 5.  
c. 66.

Provided that no person shall be liable to a penalty under the provisions of this subsection if the offence is one to which the provisions of section 6 of the Milk and Dairies (Consolidation) Act 1915 or subsection (3) of section 159 (For regulating manufacture and sale of ice-cream &c.) of the Essex County Council Act 1933 or any regulations made under the Public Health (Regulations as to Food) Act 1907 apply.

23 & 24  
Geo. 5.  
c. xlv.

(2) In this section the expression "stall" includes any structure or erection from which food is offered for sale in a street or other open space.

Byelaws as  
to food.

46.—(1) The Council 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.

(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 Council 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 other officer duly authorised by the Council in that behalf shall be entitled at all reasonable times to enter and inspect any premises on which he suspects that there is any contravention of a byelaw made under this

[1 EDW. 8. & *Waltham Holy Cross* [Ch. xlvi.]  
1 GEO. 6.] *Urban District Council Act, 1937.*

section and any person refusing such entry or inspection or obstructing such officer as aforesaid in the execution of his duty shall be liable to a penalty not exceeding forty shillings.

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PART IV.  
—cont.

47.—(1) Where it is shown that any article liable to be seized under sections 116 to 119 of the Public Health Act 1875 as amended by section 28 of the Public Health Acts Amendment Act 1890 and found in the possession of any person was sold to him by another person for food (the proof that the same was not sold for food resting with the party charged) and when so sold was in such a condition as to be liable to be so seized and to be condemned under section 117 of the Public Health Act 1875 the person who so sold the same shall be punishable as mentioned in the last-mentioned section unless he proves that at the time he sold the said article he did not know and had no reason to believe that the said article was in such condition.

Penalty on original vendor of unsound food.

53 & 54 Vict. c. 59.

(2) Where any article of food has been condemned by a justice under the said section 117 as amended by the said section 28 the person to whom the same belongs or did belong at the time of deposit of such article for the purpose of sale or of preparation for sale as well as the persons in those sections mentioned shall also be punishable as mentioned in the said section 117 unless he proves that at the time of such deposit he did not know and had no reason to believe that the said article was in such a condition as to be liable to be so condemned.

(3) Before any article liable to be condemned under the said section 117 as amended by the said section 28 and this section is dealt with by a justice the medical officer or the sanitary inspector shall inform the person in whose custody or possession the same was at the time when it was inspected by the medical officer or sanitary inspector of the intention of the medical officer or sanitary inspector to have the same dealt with by a justice and any person who may be liable in respect of such article to a prosecution under the aforesaid provisions shall be entitled to attend the proceedings before the justice and to be heard with his witnesses upon the application for the condemnation of any such article.

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PART IV.  
—cont.

Further  
powers in  
relation to  
unsound  
food.

48. 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 basket sack bag or package whether open or closed in which he has reason to suspect that there is any animal or any of the articles referred to in the said sections intended for sale for food or in the course of delivery after sale for food and the provisions of such 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.

Medical  
practi-  
tioners to  
notify cases  
of food  
poisoning.

49.—(1) As from the commencement of this section every registered medical practitioner attending on a person in the district who is or is suspected to be suffering from food poisoning shall forthwith on becoming aware that such person is or is suspected to be so suffering send to the medical officer a notification of the case stating the name of such person and the place at which such person is.

(2) The Council shall pay to every registered medical practitioner for each notification duly sent by him in accordance with this section a fee of two shillings and sixpence if the case occurs in his private practice and of one shilling if the case occurs in his practice of medical officer of any public body or institution.

Registra-  
tion of  
premises  
used for  
preparation  
of preserved  
food.

50.—(1) As from the commencement of this section no premises shall be used for 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 Council.

(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 further fine not exceeding twenty shillings for every day on which the offence continues after conviction.



[1 EDW. 8. & *Waltham Holy Cross* [Ch. xlvi.]  
1 GEO. 6.] *Urban District Council Act, 1937.*

(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.

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PART IV.  
—cont.

(4) If the Council 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 Council 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 Council 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 Council why they should not do so the Council 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 Council 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.

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

(7) The medical officer the sanitary inspector or any other officer of the Council appointed for the purpose shall have power at all reasonable times to enter any premises in the district 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

A.D. 1937.

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PART IV.  
—cont.

(b) in the case of premises which have been registered by the Council 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.

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

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

**51.**—(1) (a) The Council may by written notice to the owner and occupier of any registered slaughter-house within the district which from its situation or construction is in the opinion of the Council injurious or dangerous to the public health or which shall have remained unused as a slaughter-house for a period of six months require that the premises shall cease to be used as a slaughter-house on and after such date (not being less in the case of a slaughter-house which is in the opinion of the Council injurious or dangerous to public health than six months from the service of such notice) as may be specified in the notice and no person shall after such date slaughter in the way of trade any cattle horse sheep or pig on the said premises.

(b) Provided that not less than three months before making any such requirement in the case of any slaughter-house which from its construction is in their opinion injurious or dangerous to the public health the Council shall give notice in writing to the owner or occupier thereof specifying the respects in which such slaughter-house is in their opinion so injurious or dangerous and also specifying their requirements with regard thereto and if within the said period of three months the owner or occupier of such slaughter-house shall have removed the grounds of objection thereto no such written notice as is first above mentioned shall be given to them by the Council.

(c) Provided also that such owner or occupier may within one month after receiving any such notice in

[1 EDW. 8. & *Waltham Holy Cross* [Ch. xlvi.]  
1 GEO. 6.] *Urban District Council Act, 1937.*

writing from the Council object thereto on the ground that the requirements contained therein are unreasonable and unnecessary in the interests of public health and any such objection shall failing agreement between the Council and the owner or occupier making the same be determined on appeal to the Minister by the Minister and unless and until the Minister shall have determined that the said requirements are reasonable and necessary no such written notice as is first above mentioned shall be given to the owner or occupier of the slaughter-house in question.

(2) The Council shall make compensation to the owner or occupier of any registered slaughter-house (other than a slaughter-house which has remained unused as a slaughter-house for a period of six months) who shall be injuriously affected by any requirement of the Council under subsection (1) of this section such compensation in case of difference to be settled in manner provided by the Public Health Act 1875 Provided always that in the case of a slaughter-house which is defective or otherwise open to objection on sanitary grounds the arbitrator shall have regard thereto in settling the amount of compensation (if any) which shall be awarded in pursuance of this section.

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

#### PART V.

##### PARKS AND RECREATION GROUNDS.

**52.** When any portion of any park or place of public resort or recreation is set apart by the Council for any purpose under section 76 of the Public Health Acts Amendment Act 1907 the Council may permit the exclusive use by any club or other body or persons of any part of any park or place of public resort or recreation set apart as aforesaid and of any pavilions buildings or refreshment or other rooms or conveniences subject to such charges and conditions as the Council may think fit :

Provided that nothing in this section shall empower the Council to permit at one and the same time the exclusive use of more than twenty-five per centum of the

A.D. 1937.

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PART IV.

--cont.

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

A.D. 1937. total area of any park or place of public resort or recrea-  
tion for the time being belonging to them or under their  
control.  
PART V.  
—cont.

As to use of  
parts of  
recreation  
grounds for  
parking  
places.

**53.** The provisions of section 68 of the Public Health Act 1925 as amended by section 16 of the Restriction of Ribbon Development Act 1935 shall extend to enable the Council from time to time to utilise as lands which may lawfully be appropriated as a parking place or as parking places for vehicles such part or parts of their parks recreation grounds or pleasure grounds not exceeding in the case of any park recreation ground or pleasure ground one acre as the Minister may sanction and the provisions of the said section relating to the utilisation for parking places of land not forming part of a street shall *mutatis mutandis* apply and have effect for the purposes of this section:

Provided that the powers of subsection (1) and subsection (3) of section 16 of the Restriction of Ribbon Development Act 1935 shall not be exercisable by the Council in respect of any part of a park recreation ground or pleasure ground utilised as a parking place for vehicles.

Officers  
may be  
sworn in as  
special  
constables.

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

11 & 12  
Geo. 5. c. 31.

(2) Nothing in this section shall be deemed to render applicable to any such officer the provisions of the Police Pensions Act 1921 or any other enactments relating to pensions gratuities and allowances in respect of police service.

Saving for  
trusts  
covenants  
&c. in con-  
veyances  
and leases.

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

A.D. 1937.

PART VI.

LANDS.

**56.**—(1) The Council notwithstanding that the same may not be immediately required may by agreement purchase or acquire or take on lease and hold any lands which in their opinion it is desirable that the Council should acquire for or in connection with the purposes of any of their undertakings powers or duties or for the benefit improvement or development of the district.

Further powers for the acquisition of lands.

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

(3) Section 6 (Further powers to local authorities to acquire lands) of the Essex County Council Act 1933 shall cease to apply to the Council.

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

Power to develop lands &c.

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

(3) Before applying to the Minister for his consent to the laying out and development of any lands (not being situate within the district) in the administrative county of Essex the Council shall give to the county council notice of such application and the county council shall be entitled to make representations to the Minister with respect thereto.

A.D. 1937.

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PART VI.  
—cont.

For pro-  
tection of  
Hertford-  
shire County  
Council.

**58.** For the protection of the county council of the administrative county of Hertford (in this section referred to as "the Hertfordshire County Council") the following provisions shall apply and have effect (that is to say):—

Unless otherwise agreed in writing between the Hertfordshire County Council and the Council the Council shall not exercise the powers conferred on them by the sections of this Act of which the respective marginal notes are "Further powers for the acquisition of lands" and "Power to develop lands &c." with respect to any lands in the administrative county of Hertford.

Retention  
and  
disposal of  
lands.

**59.**—(1) Notwithstanding anything in the Lands Clauses Acts to the contrary the Council may retain and hold and use for such time as they may think fit or may sell lease exchange or otherwise dispose of in such manner and for such consideration and on such terms and conditions as they may think fit and either in consideration of the execution of works or of the payment of a gross sum or of an annual rent or of any payment in any other form any lands or any interest therein acquired by them under this Act or any general or local Act for the time being in force in the district (other than the Housing Act 1936 or any Act repealed by that Act) and may sell exchange or dispose of any rents reserved on the sale lease exchange or disposition of such lands or interest therein and may make do and execute any deed act or thing proper for effectuating any such sale lease exchange or other disposition and on any exchange may give or take any money for equality of exchange:

Provided that the Council shall not without the consent of the Minister sell lease exchange or otherwise dispose of any such lands or any interests therein at a price or rent or for a consideration of a value less than the current market value of such lands or interests but a purchaser or lessee shall not be concerned to inquire whether the consent of the Minister is necessary or has been obtained:

Provided also that nothing in this section shall be taken to dispense with the consent of any Government department to any sale lease appropriation or other disposition of any lands of the Council other than lands

[1 EDW. 8. & *Waltham Holy Cross* [Ch. xlvi.]  
1 GEO. 6.] *Urban District Council Act, 1937.*

acquired under any local Act applying to the Council in any case in which such consent would have been required if this Act had not been passed.

A.D. 1937.

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PART VI.

—cont.

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

60. The Council 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.

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

Powers  
with  
reference  
to leases  
of surplus  
lands.

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

A.D. 1937.

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PART VI.  
—cont.

Power to  
reinstate  
owners of  
property.

**62.** The Council may enter into and carry into effect agreements with the owners of or other persons interested in any lands or buildings which may be acquired by the Council under the provisions of any general or local enactment from time to time in force in the district with respect to the reinstatement of such owners or other persons and with respect to the exchange of lands for that purpose and the Council may pay or receive money for equality of exchange.

Proceeds  
of sale of  
lands.

**63.**—(1) The Council may so far as they consider necessary apply subject to the approval of the Minister any capital moneys received by them on the re-sale or exchange of or by leasing any lands acquired under the powers of this Act in the purchase of other lands but as to capital moneys so received and not so applied the Council shall apply the same either—

(a) in or towards the extinguishment of any loan raised by them under the powers aforesaid such application being in addition to and not in substitution for any other mode of extinguishment of such loan except to such extent and upon such terms as may be approved by the Minister; or

(b) in such other manner as may be approved by the Minister.

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

PART VII.

FINANCIAL.

Power to  
borrow.

**64.**—(1) The Council 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 the sum or sums requisite for the payment of the costs charges and expenses of this Act and they shall pay off



[1 EDW. 8. & *Waltham Holy Cross* [Ch. xlvi.]  
1 GEO. 6.] *Urban District Council Act, 1937.*

all moneys so borrowed within such period as the Council may determine not exceeding five years from the passing of this Act. A.D. 1937.

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PART VII.  
—cont.

(2) 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 money borrowed under this section as if it were borrowed under Part IX of that Act and the period fixed for the repayment of any money borrowed under this section shall as respects that money be the fixed period for the purposes of the said Part IX.

**65.** Notwithstanding anything contained in this or any previous enactment the Council may use for the purpose of any statutory borrowing power exercisable by them any moneys forming part of but not for the time being required for the purposes of any fund accumulated for the redemption of debt or as a reserve repairs depreciation capital reserve contingency or other similar fund (in this section referred to as "the lending fund") subject to the following conditions:—

Use of  
moneys  
forming  
part of  
sinking and  
other funds.

(1) The moneys so used shall be repaid out of the general rate fund within the period and by the method within and by which a loan raised under the statutory borrowing power would be repayable:

Provided that the Council shall repay to the lending fund the moneys so used or the balance thereof for the time being outstanding as the case may be as and when the same shall be required for the purposes of the lending fund and may if they so resolve repay the same at any time within the period aforesaid and in either case the repayment shall be made out of the general rate fund or out of moneys which would have been applicable to the repayment of a loan if raised under the statutory borrowing power:

(2) In the accounts of the general rate fund an amount equal to interest calculated at such rate per centum per annum as may be determined by the Council to be equal as nearly as may be to the rate of interest which would be payable on a loan raised on mortgage under the

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—cont.

statutory borrowing power on any moneys so used and for the time being not repaid shall be credited to the lending fund and debited to the undertaking or purpose with reference to which the moneys are so used:

- (3) The statutory borrowing power shall be deemed to be exercised by such use as fully in all respects as if a loan of the same amount had been raised in exercise of the power and the provisions of any enactment as to re-borrowing of sums raised under the statutory borrowing power shall apply accordingly.

Renewal  
and repairs  
fund.

15 & 16  
Geo. 5. c. 90.

**66.**—(1) The Council may if they think fit in any year carry from the general rate fund or from the proceeds of the general rate to the credit of a fund to be called “the renewal and repairs fund” any sum not exceeding the amount (calculated in accordance with the rules made from time to time by the Minister under sections 9 and 58 of the Rating and Valuation Act 1925) which would be produced by a rate of one penny in the pound in that year and the maximum amount standing to the credit of such fund shall not at any time exceed two thousand pounds.

(2) The renewal and repairs fund shall be applicable only to meet expenses requisite for the maintenance and renewal of horses carts mechanically propelled vehicles stables garages depots boilers and equipment and apparatus in connection therewith and for the maintenance and repair of buildings (not being buildings in respect of which the Council are required to keep a housing repairs account under the provisions of any general enactment for the time being in force) and shall be so applied from time to time for the purpose of equalising so far as may be the annual charge to revenue in respect of such expenses.

(3) (a) Pending the application of moneys forming part of the renewal and repairs fund to the purposes authorised in subsection (2) of this section such moneys shall (unless applied in any other manner authorised by this Act) be invested in statutory securities.

(b) Any income arising from the investment or use of the moneys in the renewal and repairs fund in manner provided by this subsection together with any income

[1 EDW. 8. & *Waltham Holy Cross* [Ch. xlvi.]  
1 GEO. 6.] *Urban District Council Act, 1937.*

arising from the application of the fund to the purposes authorised shall be carried to and form part of the general rate fund and (subject to the limitations imposed by subsection (1) of this section) an amount equivalent to such income shall be credited to the renewal and repairs fund.

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**67.**—(1) In this section the expression “the common lands compensation fund” means such of the moneys paid for compensation for extinction of commonable rights and referred to in the preamble to this Act or the securities representing the same as are now held by the Council.

Common  
lands com-  
pensation  
fund.

(2) The Council are hereby confirmed as being and shall hereafter continue to be the sole trustees of the common lands compensation fund as now existing and held by the Council and subject to the provisions of the next following subsection the Council shall hold the same in trust to apply the interest and annual produce thereof in aid of the general rate.

(3) The Council may if they think fit apply the whole or any part of the capital of the common lands compensation fund or any part thereof in such manner as the Minister may approve towards the discharge of any debt of the Council or otherwise for any purpose for which capital money may properly be applied.

(4) If and when the Council shall have applied the capital of the common lands compensation fund in such manner as is described in subsection (3) of this section and shall have applied the whole of the interest and annual produce thereof received by them in aid of the general rate all trusts relating to the said fund shall become extinguished and the Council shall be freed and discharged from their trusteeship of the said fund.

**68.** The Council may pay out of the general rate fund and general rate—

Subscrip-  
tions to  
local  
govern-  
ment asso-  
ciations  
and other  
expenses.

(a) reasonable subscriptions whether annually or otherwise to the funds of any association of 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

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of the Council 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 Council in providing public entertainments on the occasion of or otherwise in connection with public ceremony or rejoicing and in the reception and entertainment of distinguished persons residing in or visiting the district;
- (c) the reasonable expenses in connection with the attendance of the members of the fire brigade of the Council at meetings and competitions of fire brigades.

#### PART VIII.

##### MISCELLANEOUS.

Power for Council and Metropolitan Water Board to make new arrangement as to land for open space.  
63 & 64 Vict. c. cxxii.

**69.**—(1) The Council on the one hand and the Metropolitan Water Board on the other hand may enter into and carry into effect agreements for the purpose of securing that in place of the obligation binding upon the said board by virtue of the provisions of section 10 of the East London Waterworks Act 1900 to convey to the Council five acres of land as therein mentioned for the purpose of making a recreation ground or open space there shall be substituted an obligation on the said board either—

- (a) to convey to the Council free of cost or charge for the purpose of a recreation ground or open space such land not less than five acres in extent situate anywhere in the district as may be specified in that behalf in the agreement; or
- (b) to pay to the Council such sum as may be specified in any such agreement as a payment for or towards the cost of the purchase by the Council of land within the district for the purpose of a recreation ground or open space.

(2) Upon the conveyance of land to the Council as provided by paragraph (a) or on the payment of

[1 EDW. 8. & *Waltham Holy Cross* [Ch. xlvi.]  
 1 GEO. 6.] *Urban District Council Act, 1937.*

money to the Council under paragraph (b) of subsection (1) of this section the said obligation of the said board under section 10 of the East London Waterworks Act 1900 shall cease to have effect.

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**70.**—(1) Subsection (3) of section 2 of the Public Health (Interments) Act 1879 shall be extended to enable the Council to accept a capital sum for the purpose of maintaining a particular grave or grave space or monument either in a cemetery provided under the Public Health Acts or in a burial ground provided under the Burial Acts 1852 to 1906.

Extension of section 2 (3) of Public Health (Interments) Act 1879.  
 42 & 43 Vict. c. 31.

(2) Any such sum shall be invested in statutory securities and the interest thereon applied in maintaining the grave or grave space or monument in such manner as the Council think fit.

(3) Any such capital sum and the interest thereon shall be shown separately in the accounts of the Council relating to their cemetery but the said interest shall be paid into the fund to which receipts derived from the cemetery are paid.

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

As to operation of section 11 of Rating and Valuation Act 1925.

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

Recovery of rate from persons removing.

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—cont.

Noise  
nuisance.

**73.**—(1) A noise nuisance shall be liable to be dealt with as a statutory nuisance under the Public Health Act 1936 :

Provided that no complaint shall be made to a justice under section 99 of the said Act unless it is signed by not less than three householders or occupiers of premises within hearing of the noise nuisance complained of.

(2) For the purpose of this section a noise nuisance shall be deemed to exist where any person makes or continues or causes to be made or continued any excessive or unreasonable or unnecessary noise and where such noise (*a*) is injurious or dangerous to health and (*b*) is capable of being prevented or mitigated having due regard to all the circumstances of the case :

Provided that if the noise is occasioned in the course of any trade business or occupation it shall be a good defence that the best practicable means within the meaning of the said Act of preventing or mitigating it have been adopted.

(3) Nothing in this section shall affect the power of the county council to make byelaws under section 249 of the Local Government Act 1933.

Penalty  
for street  
crying on  
Sunday.

**74.** Every person who shall on Sunday in any street or public place call or shout or ring any bell or use any noisy instrument for the purpose of selling or advertising any article or commodity shall for every such offence be liable to a penalty not exceeding forty shillings.

Byelaws as  
to stables.

**75.** The Council may make byelaws for securing the proper ventilation and lighting of any existing stable used for the accommodation of horses (whether the stable is used as such at the commencement of this Act or not) and for the prevention of insanitary conditions (*a*) in or about or arising out of any such stable or (*b*) in or about or arising out of or with regard to the situation in reference to other buildings of any stable erected after the commencement of this Act.

Compensa-  
tion for  
injuring  
lamps &c.

**76.** Every person who negligently breaks throws down or otherwise damages any street refuge public lamp lamp post traffic light traffic signal street danger signal sewer ventilator street orderly bin or other

[1 EDW. 8. & *Waltham Holy Cross* [Ch. xlvi.]  
1 GEO. 6.] *Urban District Council Act, 1937.*

receptacle for the temporary deposit and collection of rubbish or street sand bin or fire alarm or any fence rail or post placed by the Council in or on any footway or carriageway under the provisions of any enactment or any other property of the Council shall make full compensation to the Council for the damage done and such compensation to an amount not exceeding twenty pounds may (without prejudice to any other right or remedy of the Council) be recovered summarily as a civil debt.

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—cont.

**77.** Any person who shall cover over or wilfully or negligently obstruct or interfere with the convenient access to any fire alarm fireplug or hydrant or who shall remove or efface any plate or mark indicating the position of such alarm plug or hydrant shall be liable to a penalty not exceeding five pounds and the Council may recover the expenses of replacement and making good from such person.

Fireplugs.

**78.** 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.

General provisions as to byelaws.

**79.**—(1) Any person aggrieved by any requirement refusal or other decision of the Council or of any officer of the Council under Part II (Streets and buildings) or Part III (Sewers drains &c.) or Part IV (Infectious disease and human food) of this Act may except where otherwise expressly provided or some other right of appeal is conferred by this Act appeal to a court of summary jurisdiction.

As to appeals.

(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 to the person concerned the requirement refusal or decision in the matter shall state the

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—cont.

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 the notice to the person concerned informing him of his right to a hearing before the Council with regard to the same matter.

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

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

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

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

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

Restriction  
on right to  
prosecute.

**80.** Section 298 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 the section of this Act of which the marginal note is "Penalty for street crying on Sunday."



[1 EDW. 8. & *Waltham Holy Cross* [Ch. xlvi.]  
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**81.**—(1) The sections of the Public Health Act 1936 hereinafter mentioned shall have effect as if they were re-enacted in this Act and in terms made applicable thereto (that is to say):—

- Section 275 (Power of local authority to execute certain work on behalf of owners or occupiers);
- Section 283 (Notices to be in writing forms of notices &c.);
- Section 284 (Authentication of documents);
- Section 285 (Service of notices &c.);
- Section 286 (Proof of resolutions &c.);
- Section 292 (Power to make a charge in respect of establishment expenses);
- Section 293 (Recovery of expenses &c.);
- Section 294 (Limitation of liability of certain owners);
- Section 295 (Power of local authority to grant charging orders);
- Section 296 (Summary proceedings for offences);
- Section 297 (Continuing offences and penalties);
- Section 299 (Inclusion of several sums in one complaint &c.);
- Section 304 (Judges and justices not to be disqualified by liability to rates);
- Section 328 (Powers of Act to be cumulative).

(2) The sections of the Public Health Act 1936 hereinafter mentioned shall have effect as if they were re-enacted in this Act and in terms made applicable to Part II (Streets and buildings) Part III (Sewers drains &c.) and Part IV (Infectious disease and human food) of this Act (that is to say):—

- Section 277 (Power of councils to require information as to ownership of premises);
- Section 287 (Power to enter premises);
- Section 288 (Penalty for obstructing execution of Act);

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Application  
of certain  
sections of  
Public  
Health Act  
1936.

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 —cont.

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 329 (Saving for certain provisions of the Land Charges Act 1925).

In executing works for owner Council liable for negligence only.

**82.** Whenever the Council the surveyor or the sanitary inspector under any enactment or byelaw for the time being in force within the district 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 Council shall not as between themselves and such owner occupier or other person in the absence of any negligence on the part of the Council or the surveyor 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 Council in the absence of negligence as aforesaid shall be deemed to be part of the expenses payable by such owner occupier or other person and shall be recoverable accordingly.

Apportionment of expenses in case of joint owners.

**83.** Where under the provisions of this Act or any local Act in force in the district the Council shall construct or do any works for the common benefit of two or more buildings belonging to different owners the expenses which under those Acts or any of them are recoverable by the Council from the owners shall be paid by the owners of such buildings in such proportions as shall be determined by the surveyor or in case of dispute by a court of summary jurisdiction.

Compensation how to be determined.

**84.** When any compensation costs damages or expenses is or are by this Act directed to be paid and the method for determining the amount thereof is not otherwise provided for such amount shall in case of dispute be ascertained in the manner provided by subsection (2) of section 278 of the Public Health Act 1936.

[1 EDW. 8. & *Waltham Holy Cross* [Ch. xlvi.]  
1 GEO. 6.] *Urban District Council Act, 1937.*

**85.** Where any damages expenses or charges are directed or authorised to be paid or recovered in addition to any penalty for any offence in this Act mentioned the amount of such damages expenses or charges in case of dispute respecting the same may be settled and determined by the court before whom any offender is convicted.

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—cont.

Damages and charges to be settled by court.

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

Applica-  
tion of  
Arbitration  
Acts 1889  
to 1934.

**87.** Where under this Act or under any general or local Act for the time being in force in the district the Council 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.

As to  
breach of  
conditions  
of consent  
of Council.

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

Saving for  
indictments  
&c.

**89.** Section 265 of the Public Health Act 1875 shall extend and apply to the purposes of any local enactment as if the same were re-enacted therein.

Application of  
section 265 of  
Public Health  
Act 1875.

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—cont.  
Inquiries  
by Minister.

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

Inquiries by  
Minister of  
Transport.

**91.** The Minister of Transport may hold such inquiries as he may consider necessary in regard to the exercise of any powers conferred upon him by this Act and section 290 of the Local Government Act 1933 shall apply accordingly.

Crown  
rights.

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

Costs of  
Act.

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

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