

**CHAPTER xiii**

An Act to authorise the urban district council of Sandown-Shanklin to acquire the undertaking of the Shanklin Lift Company Limited and to construct and maintain a lift at Shanklin to confer powers on the Council in regard to lands and to make further and better provision for the health local government finance and improvement of their district and for other purposes. [27th July 1955.]

WHEREAS—

(1) The urban district of Sandown-Shanklin (in this Act referred to as "the district") is under the management and local government of the urban district council of Sandown-Shanklin (in this Act referred to as "the Council"):

(2) In the year one thousand eight hundred and ninety-three the Shanklin Lift Company Limited (hereinafter referred to as "the company") was incorporated under the Companies Acts 1862 to 1890 with a capital of five thousand pounds for the purpose (inter alia) of constructing the lift hereinafter mentioned:

(3) The company in or about the year one thousand eight hundred and ninety-three constructed on lands at Shanklin a lift for the conveyance of the public up and down the cliff and have expended a sum of upwards of four thousand two hundred pounds:

(4) The lift was in public use until the year one thousand nine hundred and forty when owing to the war the operation of the lift was terminated and during the war the lift suffered damage and is now derelict:

(5) The company have agreed (subject to the approval of Parliament) to sell the lift undertaking to the Council and it is expedient that such agreement be confirmed and the lift undertaking vested in the Council and that powers be conferred upon the Council for the construction of a new lift in the place of the existing lift and with reference to the maintenance and management of the lift undertaking:

(6) It is expedient that further and better provision should be made with reference to lands streets sanitation and buildings and for the local government and improvement of the district and that the powers of the Council in relation thereto should be enlarged and extended:

(7) It is expedient to make further provision with regard to the finances of the district as by this Act provided:

(8) The local enactments specified in the First Schedule to this Act are immediately prior to the passing of this Act in force in the district:

(9) It is expedient that the other provisions contained in this Act be enacted:

(10) The purposes of the Act cannot be effected without the authority of Parliament:

(11) Estimates have been prepared by the Council for the purposes hereinafter mentioned and such estimates are as follows:—

	£
The purchase of the lift undertaking of the company	3,500
The construction of the lift the construction and adaptation of buildings and the demolition of the existing lift structure	10,701
The provision and fixing of machinery cars and equipment for the lift	12,700

(12) It is expedient that the cost of such purposes and works should be spread over terms of years:

(13) A plan of the lands which may be taken compulsorily under the powers of this Act and a book of reference to that plan containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of those lands were deposited with the clerk of the county council of the administrative county of the Isle of Wight and are in this Act respectively referred to as the deposited plan and the deposited book of reference:

(14) In relation to the promotion of the Bill for this Act the requirements 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 Queen'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. This Act may be cited as the Sandown-Shanklin Urban Short title. District Council Act 1955.

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

Part I.—Preliminary.

Part II.—Shanklin lift.

Part III.—Lands.

Part IV.—Streets.

Part V.—Sanitation and buildings.

Part VI.—Movable dwellings and camping grounds.

Part VII.—Parks cemeteries etc.

Part VIII.—Public order and public safety.

Part IX.—Finance.

Part X.—Miscellaneous.

Part XI.—General.

Division of
Act into
Parts.

3. The Lands Clauses Acts except section 92 (which provides that owners need not be required to sell part of house) and sections 127 to 132 (which relate to the sale of superfluous lands) of the Lands Clauses Consolidation Act 1845 (so far as the same are applicable for the purposes and are not inconsistent with the provisions of this Act) are hereby incorporated with and form part of this Act:

Incorporation
of Lands
Clauses Acts.

Provided that the bond required by section 85 of the Lands Clauses Consolidation Act 1845 shall be under the common seal of the Council and shall be sufficient without the addition of the sureties mentioned in that section.

4.—(1) In this Act the several words and expressions to which meanings are assigned by sections 90 and 343 of the Public Health Act 1936 have the same respective meanings unless there be something in the subject or context repugnant to such construction and in this Act unless the subject or context otherwise requires—

Interpretation.

“ Act of 1936 ” means the Public Health Act 1936 ;

“ Act of 1948 ” means the Companies Act 1948 ;

PART I
—cont.

- “ authorised security ” means any mortgage stock bond or other security which the Council are for the time being authorised to grant create or issue or upon or by means of which the Council are for the time being authorised to raise money ;
- “ clerk ” “ treasurer ” “ medical officer ” “ surveyor ” and “ sanitary inspector ” mean respectively the clerk the treasurer the medical officer of health the surveyor and any sanitary inspector of the Council and include any person duly appointed by the Council to discharge temporarily the duties of any of those officers ;
- “ company ” means the Shanklin Lift Company Limited ;
- “ contravention ” in relation to any enactment byelaw order rule term condition restriction or notice includes a failure to comply with that enactment byelaw order rule term condition restriction or notice and “ contravene ” shall be construed accordingly ;
- “ Council ” means the urban district council of Sandown-Shanklin ;
- “ county ” means the administrative county of the Isle of Wight ;
- “ county council ” means the county council for the county ;
- “ daily penalty ” means a penalty for each day on which any offence is continued after conviction ;
- “ day of transfer ” means the date of completion of the transfer of the undertaking of the Company in pursuance of the scheduled agreement ;
- “ district ” means the urban district of Sandown-Shanklin ;
- “ enactment ” includes an enactment in this Act or in any general or local Act and any order byelaw or regulation for the time being in force within the district ;
- “ general rate fund ” and “ general rate ” mean respectively the general rate fund and the general rate of the district ;
- “ lift ” means the lift and the buildings the construction of which is authorised by section 12 (Power to construct lift) of this Act ;
- “ Minister ” means the Minister of Housing and Local Government ;
- “ open space ” has the same meaning as in the Open Spaces Act 1906 ;
- “ Pier Order 1918 ” means the order of that year specified in the second column of the First Schedule to this Act ;
- “ scheduled agreement ” means the agreement set forth in the Second Schedule to this Act ;

“ statutory borrowing power ” includes a power of borrowing money conferred on the Council by or under any enactment except paragraph (a) of subsection (1) of section 215 of the Local Government Act 1933 ;

“ statutory securities ” means any securities in which trustees are for the time being authorised by law to invest trust money and any mortgages bonds debentures debenture stock or other securities created by a local authority as defined by section 34 of the Local Loans Act 1875 but does not include annuities rentcharges or securities transferable by delivery or any securities of the Council ;

“ statutory undertakers ” means any company body or person authorised by any Act of Parliament or order having the force of an Act to supply electricity gas or water ;

“ tribunal ” means the tribunal or other authority to whom any question of disputed purchase money or compensation under this Act is referred in pursuance of the Acquisition of Land (Assessment of Compensation) Act 1919 as amended by the Lands Tribunal Act 1949 ;

“ undertaking of the company ” has the meaning assigned to it by clause 1 of the scheduled agreement ;

“ undertakings of the Council ” means the undertakings of the Council from time to time existing from which revenue is derived.

(2) Any reference in this Act to any enactment shall be construed as a reference to that enactment as applied extended amended or varied by or by virtue of any subsequent enactment including this Act.

PART II

SHANKLIN LIFT

Transfer of undertaking of company

5.—(1) The scheduled agreement is hereby confirmed and made binding upon the parties hereto and effect may and shall be given thereto accordingly subject to such modifications (if any) as may be agreed between the said parties in writing under the respective hands of the clerk and the secretary of the company. Transfer of undertaking of company.

(2) As from the day of transfer the undertaking of the company shall by virtue of this Act and without further assurance be transferred to and vested in the Council freed and discharged from all mortgage charges or other incumbrances and from all debts and liabilities of the company.

PART II
—cont.Receipt for
consideration.

6. The receipt in writing of two directors of the company for the purchase price and other moneys payable by the Council under the scheduled agreement shall effectually discharge the Council from the sums which in such receipt shall be acknowledged to have been received and from being bound to see to the application thereof and from being answerable or accountable for the loss misapplication or non-application thereof and if from any cause the Council are unable to obtain such receipt from the directors of the company they may lodge the money in the Supreme Court in accordance with rules made under section 146 of the Supreme Court of Judicature (Consolidation) Act 1925 and a certificate given in accordance with those rules stating that such money has been so lodged shall have the same effect for the purposes of this and the next succeeding section of this Act as the receipt of two directors of the company.

Evidence of
transfer.

7. The production of a Queen's Printers' or Royal Assent copy of this Act duly stamped together with a receipt for the purchase price purporting to be signed by two directors of the company shall (unless it be proved that such price has not been paid) be conclusive evidence in all courts and proceedings of the transfer to and vesting in the Council of the undertaking of the company.

Company to
discharge
mortgages.

8. All mortgages and other charges (if any) upon or affecting the undertaking of the Company or due from or payable by the company which at the day of transfer shall remain undischarged unpaid or unsatisfied shall be discharged paid or satisfied by the company and the company shall indemnify the Council against the same.

Saving rights
of action.

9. Subject to the provisions of this Act nothing in this Act shall be held to prejudice or affect any right or cause of action or suit or remedy which the company have against any person or which any person has against the company but all such rights causes of action suits and remedies shall be prosecuted by or against the company as if this Act had not been passed.

Winding up
of company.

10.—(1) From and after the day of transfer the company shall subsist only for the purpose of receiving and recovering the money to which the company are entitled under this Act and of discharging paying and satisfying the mortgages charges debts and liabilities upon the undertaking of the company or due from or payable by the company and of paying and distributing any dividends interest or other moneys to be distributed by them and for winding up their affairs and carrying into effect the purposes of this Act so far as they relate to the company and the directors of the company who are in office at the day of transfer or the survivors of them shall continue in office without

re-election and they or a majority of them or in the event of a liquidator being duly appointed the liquidator shall have full power and authority to take all necessary proceedings for carrying into effect the several purposes of this section.

(2) If the number of directors of the company be reduced below two before the completion of the winding up of the company or the appointment of a liquidator the continuing director shall from time to time choose any person who immediately prior to the day of transfer was a shareholder of the company to fill the vacancy so caused.

(3) As soon as practicable after the day of transfer the directors of the company shall proceed to wind up the affairs of the company in accordance with the provisions of the Act of 1948.

11.—(1) The company shall deliver to the Registrar of Companies a printed copy of this Act and he shall retain and register the same and if such copy is not so delivered within three months from the passing of this Act the company shall incur a penalty not exceeding two pounds for every day after the expiration of those three months during which the default continues and any director or manager of the company who knowingly and wilfully authorises such default shall incur a like penalty Every penalty under this section shall be recoverable summarily.

Copy of Act
to be
registered.

(2) There shall be paid to the registrar by the company on such copy being registered the like fee as is for the time being payable under the Act of 1948 on registration of any document other than a memorandum of association or the abstract required to be filed with the registrar by a receiver or manager or the statement required to be sent to the registrar by the liquidator in a winding up in England.

Construction and maintenance of lift by the Council

12. The Council may construct equip maintain and work on the lands in the district delineated on the deposited plan and described in the deposited book of reference a lift for the purpose of conveying passengers to and from the public road known as Lift Road from and to the public road known as East Cliff Promenade and waiting rooms booking offices and other buildings and may adapt alter or remove any existing buildings or erections on the said lands and may provide all necessary machinery and apparatus for the lift:

Power to
construct lift.

Provided that any electrical works machinery or apparatus constructed erected laid down maintained worked or used for or in connection with the lift shall be so constructed erected or laid

PART II
—cont.

down and so maintained worked and used (whether by the Council or by any lessee of the lift) as to prevent interference with any telegraphic line (as defined by the Telegraph Act 1878) belonging to or used by the Postmaster-General or with telegraphic communication by means of any such line.

Charges for use of lift and byelaws relating to the lift.

13. The Council may charge such reasonable sums as they think fit for the use of the lift and they may make byelaws for regulating the use of the lift and for regulating the conduct of persons using the lift.

Power to lease lift.

14. The Council may grant leases of the lift and any lands used in connection therewith and of the right to take for the use of the lift such sums as may be prescribed by the Council for any period not exceeding fourteen years and on such terms and conditions as the Council may think fit.

PART III

LANDS

Power to acquire lands.

15.—(1) Subject to the provisions of this Act the Council may enter upon take and use such of the lands delineated on and included within the limit of land to be acquired marked on the deposited plan and described in the deposited book of reference as may be required for the purposes of the lift.

(2) The powers of the Council for the compulsory purchase of land under this section shall cease after the expiration of three years from the first day of December one thousand nine hundred and fifty-five.

Correction of errors in deposited plan and book of reference.

16.—(1) If any omission misstatement or wrong description of any land or of the owner lessee or occupier of any land is found to have been made on the deposited plan or in the deposited book of reference the Council after giving ten days' notice to the owner lessee and occupier of the land in question may apply to two justices having jurisdiction in the county for the correction thereof.

(2) If on any such application it appears to the justices that the omission misstatement or wrong description arose from mistake the justices shall certify the fact accordingly and shall in their certificate state the particulars of the omission or in what respect any matter is misstated or wrongly described.

(3) Any such certificate shall be deposited with the clerk of the county council and a copy thereof shall be deposited with the clerk and thereupon the deposited plan and the deposited book of reference shall be deemed to be corrected according to the certificate and it shall be lawful for the Council to take the land in accordance with the certificate.

(4) Any certificate or copy deposited under this section with any person shall be kept by him with the other documents to which it relates.

PART III
—cont.

17.—(1) For the purposes of this Act the following provisions of this section shall have effect in substitution for section 92 of the Lands Clauses Consolidation Act 1845.

Acquisition of
part only
of certain
properties.

(2) No person shall be required to sell a part only of any house or building or of a park or garden belonging to a house if he is willing and able to sell the whole of the house building park or garden unless the tribunal determines—

- (a) in the case of a house or building that such part as is proposed to be taken can be taken without material detriment to the house or building; or
- (b) in the case of a park or garden that such part as aforesaid can be taken without seriously affecting the amenity or convenience of the house to which it belongs.

(3) If the tribunal determines as aforesaid compensation shall be awarded in respect of any loss due to the severance of the part proposed to be taken in addition to the value of that part and thereupon the person interested shall be required to sell to the Council that part of the house building park or garden.

18.—(1) In lieu of acquiring the enclosure numbered 6 on the deposited plan and in the deposited book of reference the Council may for the purpose of adapting using and maintaining any building existing at the date of the passing of this Act on any land that may be acquired compulsorily under this Act and doing anything necessary in connection therewith acquire such easements and rights in or on that enclosure as they may require for those purposes.

Power to
acquire ease-
ments only.

(2) Accordingly the Council may give notice to treat in respect of any such easement or right describing the nature thereof and the provisions of the Lands Clauses Acts shall apply in relation to the acquisition of such easements and rights as if they were lands within the meaning of those Acts.

(3) If the Council have acquired an easement or right only in land under this section they shall not be required or (except by agreement or during the execution of works) entitled to fence off or sever the said enclosure from the adjoining land.

19. In determining any question of disputed compensation or purchase money in respect of land acquired under this Act the tribunal shall not take into account—

Disregard
of recent
improvements
and interests.

- (a) any improvement or alteration made or building erected after the fifth day of December one thousand nine hundred and fifty-four; or

PART III
—cont.

(b) any interest in the land created after the said date ;
which in the opinion of the tribunal was not reasonably necessary
and was made erected or created with a view to obtaining or
increasing the compensation or purchase money.

Extinction of
private rights
of way.

20.—(1) All private rights of way over any land that may be
acquired compulsorily under this Act (other than the enclosure
numbered 7 on the deposited plans and in the deposited book of
reference) shall as from the acquisition of the land whether
compulsorily or by agreement be extinguished.

(2) Any person who suffers loss by the extinguishment of any
right under this section shall be entitled to be paid by the
Council compensation to be determined in case of dispute under
and in accordance with the Acquisition of Land (Assessment of
Compensation) Act 1919 as amended by the Lands Tribunal
Act 1949.

Agreements
with adjoining
owners.

21.—(1) The Council may enter into and carry into effect
agreements with any person being the owner of or interested in
any land abutting on any portion of land that may be acquired
under this Act with respect to the sale by the Council to him of
any land including any part of a street appropriated under this
Act and not required for the purposes of the lift.

(2) The Council may accept as satisfaction of the whole or
any part of the consideration for any such sale the grant by the
purchaser of any land required by the Council for the purposes
of this Act or any easement or right so required.

Acquisition
of land in
advance of
requirements.

22.—(1) The Council may acquire by agreement whether by
way of purchase lease or exchange any land whether situate
within or without the district for the purposes of any of their
undertakings powers or duties or for the benefit improvement or
development of the district notwithstanding that the land is not
immediately required.

(2) Any land acquired under this section may until it is
appropriated under section 163 of the Local Government Act
1933 be used for the purpose of any of the functions of the
Council and until it is so appropriated all expenses incurred by
the Council in respect of the land shall be payable out of the
general rate fund.

(3) Section 158 of the Local Government Act 1933 shall not
apply to the acquisition of land or to land acquired by the
Council.

Appropriation
and disposal
of land.

23.—(1) Section 163 of the Local Government Act 1933 shall
apply to any land acquired by the Council under this Act whether
or not the land is required for the purposes for which it was
acquired or has since been appropriated or is being used.

(2) Notwithstanding anything in subsection (1) of the said section the purpose for which the Council may appropriate any such land shall not require the approval of the Minister unless it was acquired under section 22 (Acquisition of land in advance of requirements) of this Act.

(3) The Council may sell lease exchange (paying or receiving or without paying or receiving any money for equality of exchange) or otherwise dispose of any such land as aforesaid in such manner and for such consideration and on such terms and conditions as they think fit (whether in consideration of the execution of works or of the payment of a capital sum or of an annual rent or of payment in any other form):

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

(4) Nothing in this section shall authorise the disposal of any land by the Council whether by sale lease exchange or other disposition in breach of any trust covenant or agreement binding upon the Council.

(5) Sections 164 and 165 of the Local Government Act 1933 shall not apply to any such land as aforesaid.

24. Section 166 of the Local Government Act 1933 shall apply to capital money received by the Council in respect of the sale leasing exchange or other disposition of land under section 23 (Appropriation and disposal of land) of this Act as it applies to capital money received in respect of a transaction under section 164 or section 165 of that Act. Application of capital money.

25.—(1) The Council may (with the consent of the Minister) lay out and develop any land for the time being belonging to them and not required for the purpose for which it was acquired and may on any such land erect and maintain houses shops offices warehouses and other buildings and construct sewer drain pave channel and kerb streets: Development of land.

Provided that nothing in this section shall apply to land acquired by the Council under section 38 or section 40 of the Town and Country Planning Act 1947 or to land appropriated by them for the purposes for which land can be acquired under those sections.

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

PART IV

STREETS

Interpretation
of Part IV.

26.—(1) In this Part of this Act unless the subject or context otherwise requires the following expressions have the meanings hereby respectively assigned to them:—

“private street” means a street within the meaning of the Private Street Works Act 1892 or land which is deemed to be a private street by virtue of subsection (2) of section 48 of the Town and Country Planning Act 1947;

“private street works” means works executed under the provisions of any enactment relating to private street works for the time being in force in the district;

“street byelaws” means any byelaws for the time being in force in the district with respect to the level width and construction of new streets;

“transfer” includes any disposal of land whether by way of sale lease exchange gift or otherwise and “transfers” shall be construed accordingly.

(2) For the purposes of this Part of this Act the erection of a building shall be deemed to have begun at the time when the clearing of the site or the excavation for the foundations thereof began.

New streets

Prohibition
of building
until street
defined.

27.—(1) Where a plan and sections of a new street have been deposited with the Council in pursuance of street byelaws and have been approved by them no person shall without their consent begin to erect a building on land abutting on the street 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 on the land on which the building is to be erected and on any land which will be occupied in connection with the building.

(2) Where the approved width of a new street has been defined as aforesaid no person shall begin to erect a building or structure nearer to the centre of the street than the line of the posts or other marks by which the width has been so defined.

(3) If any person contravenes the provisions of either of the foregoing subsections he shall be liable to a penalty not exceeding twenty pounds and the Council may—

(a) in the case of a contravention of subsection (1) define as aforesaid the approved line width and level of the new street; and

(b) in the case of a contravention of subsection (2) remove the building or structure;

and in either case recover the expenses of so doing from that person.

28.—(1) Where a plan and sections of a new street deposited with the Council in pursuance of street byelaws are approved by them they may by notice prohibit the erection of any building on land abutting on the street until the carriageway of the street has been constructed and the street has been sewered in accordance with the said byelaws:

PART IV
—cont.
Prohibition
of building
until street
formed and
sewered.

Provided that where the plan shows that the street will exceed one hundred yards in length the Council shall divide the street for the purpose of the notice into lengths not exceeding one hundred yards and each such length shall for that purpose be treated as a separate street.

(2) Any such notice shall be given to the person by whom or on whose behalf the plan and sections were deposited and the prohibition imposed thereby shall be binding on successive owners of the land to which it relates.

(3) If any person contravenes the provisions of any such notice he shall be liable to a penalty not exceeding twenty pounds and the Council may construct the carriageway and works of sewerage which should have been constructed and recover the expenses of so doing from that person.

(4) This section shall have effect subject to the provisions of the Land Charges Act 1925 as amended by the Law of Property (Amendment) Act 1926 with respect to the avoidance of any such notice for want of registration as a local land charge.

(5) The execution of any works under the provisions of this section shall not relieve any person from any liability under the provisions of any enactment relating to private street works for the time being in force in the district.

Private streets

29.—(1) In any street in the district not being a highway repairable by the inhabitants at large the Council may execute such repairs as are in their opinion urgently required to prevent or remove danger to persons or vehicles in the street and may themselves pay the cost of the repairs out of the general rate fund:

Urgent
repairs of
private streets.

Provided that the cost of the repairs executed in any street in any period of three consecutive years under this section shall not exceed fifty pounds for each one hundred yards of the length of the street.

(2) The exercise by the Council of their powers under this section shall not prejudice their powers under the Private Street Works Act 1892 or under section 19 of the Public Health Acts Amendment Act 1907.

PART IV
—cont.Evasion by
owners of
private street
works
expenses.

30. If—

- (a) any owner of land fronting adjoining or abutting on a private street in the district transfers the part or any portion of the part of that land which fronts adjoins or abuts on that street ; and
- (b) any expenses of private street works in or in relation to that street are apportioned on that part or portion of that land ; and
- (c) the Council are unable to recover those expenses in whole or in part from the person to whom that part or portion of the land was transferred or by the sale thereof ; and
- (d) a magistrates' court is satisfied that the transfer was intended for the purpose of evading the payment of any expenses of private street works ;

then the expenses so apportioned or so much thereof as has not been recovered by the Council may to such extent as the court may determine be recovered from the owner in the same manner as expenses of private street works may be recovered as though he had not made the transfer.

Trees grass
verges and
gardens.

31.—(1) Subject to the provisions of this section the Council shall have power in any street vested in them or on any land acquired by them for the purpose of the construction or improvement of any such street or for preventing the erection of buildings detrimental to the view from the street—

- (a) to plant trees or shrubs or place tubs in which to grow trees or shrubs ;
- (b) to attach baskets for plants to posts or standards provided by the Council or with the consent of the owner thereof to any other posts or standards ;
- (c) to lay out grass verges or gardens ;
- (d) to provide guards or fences and otherwise do anything expedient for the maintenance or protection of such trees shrubs tubs baskets grass verges or gardens ;
- (e) to cut down any such tree or shrub to remove any such tub or basket and to abolish any such grass verge or garden or enlarge or diminish the area thereof ;
- (f) by notice to prohibit persons from entering upon or causing or permitting horses cattle or vehicles to enter upon any such grass verge which is maintained in an ornamental condition or mown or any such garden.

(2) Any such notice as is referred to in paragraph (f) of the foregoing subsection shall be conspicuously posted on or in proximity to the grass verge or garden to which it relates and if

any person contravenes a notice so posted he shall be liable to a penalty not exceeding twenty shillings.

PART IV
—cont.

(3) The powers conferred by this section shall not be exercised so as to hinder the reasonable use of the street 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 abutting on the street.

(4) Section 1 of the Roads Improvement Act 1925 shall cease to apply to highways vested in the Council or to any such land as is referred to in subsection (1) of this section and anything done by the Council under that section with respect to such highways or lands before the passing of this Act shall be deemed to have been done under this section.

(5) Nothing in this section shall affect the duty of the Council to provide footpaths or grass or other margins under section 58 of the Road Traffic Act 1930.

(6) Where the Council carry out works under any enactment relating to private street works they may with the consent of the owners of premises fronting adjoining or abutting on the part of the street in which the works are carried out exercise the powers conferred by this section in that part and the expenses incurred in so doing shall be deemed part of the expenses of carrying out the said works.

The reference in this subsection to the consent of the owners of the said premises is a reference to the consent of the majority of them where the rateable value of the premises owned by the persons consenting is greater than the rateable value of the rest of the said premises.

32.—(1) Where the owner or occupier of any premises in the district which abut on any street repairable by the inhabitants at large habitually uses or permits to be used any grass verge or kerbed or paved footway in the street as a crossing for any horse or horse-drawn or mechanically propelled vehicle (other than a motor-cycle) in passing to and from those premises the Council may give notice to the owner or occupier (as the case may be) either—

Crossings
over footways.

- (a) that they propose to construct across the grass verge or footway a carriage-crossing of such materials and in such manner as they may specify in the notice ; or
- (b) in the case of a footway that they propose to strengthen or adapt it in such manner as they may so specify ; or
- (c) imposing such reasonable conditions on the use of the grass verge or footway as a crossing as aforesaid as they may so specify.

PART IV
—cont.

(2) Any person aggrieved by a notice under the foregoing subsection may appeal to a magistrates' court.

(3) The Council may execute such works as may have been specified in a notice served under paragraph (a) or paragraph (b) of subsection (1) of this section and recover the expenses of so doing from the owner or occupier.

(4) If the Council impose any condition under paragraph (c) of subsection (1) of this section any person who knowingly uses the grass verge or footway as a crossing as aforesaid or permits it to be so used in contravention of that condition shall be liable to a penalty not exceeding five pounds.

(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 made under this section.

(6) Section 18 of the Public Health Acts Amendment Act 1907 shall cease to be in force in the district and the following provisions of this subsection shall have effect in lieu thereof as respects streets in the district which are repairable by the inhabitants at large:—

- (a) Any person may request the Council in writing to carry out such works as shall be specified in the request for the purpose of forming a carriage-crossing across a grass verge or footway in any such street or of strengthening or adapting a part of any such footway as a carriage-crossing;
- (b) The Council may approve the request either with or without modifications or propose alternative work or reject the application;
- (c) The Council shall give the applicant notice of their decision under the foregoing paragraph and if they approve the work requested or propose alternative work shall furnish him with an estimate of the cost of the work as approved or proposed by them;
- (d) The applicant may deposit with the Council the amount of the said estimate and require them to execute the work as approved or proposed by them;
- (e) As soon as practicable after such a deposit has been made the Council shall execute the work as approved or proposed by them and any difference between the sum deposited and the actual cost of the work shall be paid to or by the Council by or to the applicant as the case may require.

(7) For the purpose of applying the code in Part II of the Public Utilities Street Works Act 1950 (which relates to cases where apparatus is affected by road works) to works carried out

under this section in a verge the expression "road purposes" as defined in section 39 of that Act shall be deemed to include the construction of a carriage-crossing across a verge and subsection (1) of section 21 of that Act shall have effect as if after the word "footpath" in paragraph (a) thereof there was inserted the word "verge".

33.—(1) No part of any awning over the footway of a street in the district being a highway repairable by the inhabitants at large shall project over any part of the footway which is less than two feet from the outer edge of the footway. Awnings over footways.

(2) If any person places or causes or permits to be placed over any such footway an awning which contravenes the foregoing subsection he shall be liable to a penalty not exceeding forty shillings.

(3) If an awning over any such footway is so constructed or maintained as to be prejudicial to the safety or convenience of the public the Council may by notice require the owner or occupier of the premises to which the awning is appurtenant to carry out such work as may be necessary to prevent the awning being so prejudicial.

(4) The provisions of section 290 of the Act of 1936 shall apply in relation to notices given under the last foregoing subsection as they apply in relation to the notices mentioned in subsection (1) of that section.

(5) In this section the expression "awning" includes a blind shade or other covering.

34.—(1) No person shall mix mortar or any like substance in any street in the district repairable by the inhabitants at large except upon such board or in such receptacle as will protect the street from such mortar or substance: Mixing of mortar in streets.

Provided that this section shall not apply to the mixing in any street of mortar or like substance for the purposes of making up repairing reinstating altering or improving such street.

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

35.—(1) Where any tree or structure or any part thereof falls on or across any street in the district so that obstruction is caused or is likely to be caused to persons or vehicles using such street the Council may remove the same and recover the reasonable cost of so doing from the owner thereof or if such owner was not in beneficial occupation of the land upon which such tree or structure or any part thereof was situate from the occupier thereof. Removal of trees etc. from streets.

(2) In this section the expression "structure" includes a wall fence hoarding or similar erection.

PART IV
—cont.Decorations
in streets.*Miscellaneous*

36.—(1) The Council may on the occasion of any public festivity cause flag-poles and pylons to be erected in any street in the district for the purpose of displaying decorations and may for that purpose provide sockets or slots in or under the surface of any such street.

(2) If any person wilfully removes or damages any flag-pole, pylon socket or slot erected or provided under this section he shall be liable to a penalty not exceeding five pounds.

PART V

SANITATION AND BUILDINGS

*Sewers and drains*Recovery of
expenses of
sewering
public
highway.

37.—(1) Where the Council—

- (a) resolve to construct a sewer in a street or part of a street in the district being a street or part which is repairable by the inhabitants at large and has not been previously sewerred; and
- (b) include in the resolution a declaration that the construction of the sewer will in the opinion of the Council increase the value of premises fronting adjoining or abutting on the street or that part thereof;

then the provisions of the Third Schedule to this Act shall have effect as respects the apportionment and recovery by the Council of the expenses incurred in constructing the sewer:

Provided that all liabilities under the said schedule in respect of the sewer shall cease at the expiration of two years from the date when the resolution becomes operative if the construction of the sewer is not then complete.

(2) Notice of any such resolution shall be published by the Council in a local newspaper circulating in the district and the resolution shall become operative for the purposes of this section and the said schedule on the date of such publication.

(3) Either—

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

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

38. Where land in the district in which a length of sewer has been constructed after the passing of this Act at the expense of the Council becomes a street (whether repairable by the inhabitants at large or not) then the provisions of the Third Schedule to this Act shall have effect as respects the apportionment and recovery by the Council of the expenses incurred in constructing the length of sewer:

PART V
—cont.

Recovery
of expenses of
sewering
prospective
street.

Provided that where compensation due to the owner of any land in respect of damage sustained by reason of the construction therein of the length of sewer has been diminished by setting off any sum on account of the enhancement in value of the land by reason aforesaid this section shall not apply to so much of the length of sewer as has been constructed in that land.

39.—(1) If on a complaint by the Council to a magistrates' court it is proved to the satisfaction of the court—

Prevention
of evasion of
liabilities
under last two
foregoing
sections.

(a) that by reason of any transfer of land any part of any premises in the district (hereinafter in this section referred to as "the severed part")—

(i) has ceased to be included in premises fronting adjoining or abutting on a street or part of a street to which the last but one foregoing section of this Act applies ; or

(ii) has been excluded from premises which have subsequently become premises fronting adjoining or abutting on a street to which the last foregoing section of this Act applies or has ceased to be included in premises fronting adjoining or abutting on such a street ; and

(b) that the transfer was intended for the purpose of evading liability under the Third Schedule to this Act imposed by the last but one foregoing or the last foregoing section (as the case may be) ;

then the court may make such order under the following provisions of this section as it thinks just for the purpose of ensuring that the said liability is not evaded by reason of the transfer.

(2) Any such order may direct—

(a) that for the purposes of paragraph 2 of the said schedule the severed part shall be deemed to be premises fronting adjoining or abutting on the street or part of the street in question and shall be deemed to have had at the relevant date within the meaning of the said schedule such frontage on the street as may be specified in the order ;

(b) that for the purposes of sub-paragraph (a) of paragraph 6 of the said schedule the site of a new building

PART V
—cont.

erected on the severed part and the land occupied therewith shall be deemed to have such frontage on the street or part of the street as may be specified in the order ;

(c) that any such amendment shall be made of any entry in the register of local land charges as may be specified in the order including an amendment taking effect as from a past date.

(3) Any order made under paragraph (a) of subsection (2) of this section may also direct that any premises from which the severed part has been excluded or in which it has ceased to be included shall not be deemed to be premises fronting adjoining or abutting on the street or part of the street or shall be deemed to have such frontage as may be specified in the order.

(4) Orders made under any provision of subsection (2) of this section may be made on separate complaints made by the Council at different times.

(5) For the purposes of this section the expression "transfer" includes any disposal of land whether by way of sale lease exchange gift or otherwise.

Summary
power to
remedy
stopped-up
drains etc.

40.—(1) If it appears to the medical officer or the sanitary inspector that on any premises in the district a drain private sewer water-closet or soil-pipe is stopped up he may by notice require the owner or occupier of the premises to remedy the defect within forty-eight hours from the service of the notice.

(2) If the notice is not complied with the Council may themselves carry out the work necessary to remedy the defect and may subject to the next following subsection recover the expenses of so doing from the person on whom the notice was served :

Provided that where the said expenses do not exceed two pounds the Council may if they think fit remit the payment thereof.

(3) In any proceedings under this section the court may inquire—

(a) whether any requirement contained in a notice served under this section or any work done by the Council was reasonable ; and

(b) whether the expenses incurred by the Council in doing the work or any part thereof ought to be borne wholly or partly by the person on whom the notice was served ;

and the court may make such order concerning the expenses or their apportionment as appears to the court to be just in the circumstances of the case :

Provided that the court shall not order the expenses or any part thereof to be borne by any person other than the defendant

in the proceedings unless the court is satisfied that that other person has had due notice of the proceedings and an opportunity of being heard.

PART V
—cont.

41.—(1) If any drain or private sewer in the district—

Power to
repair drains
and private
sewers.

(a) is not sufficiently maintained and kept in good repair to the satisfaction of the Council; and

(b) can in the opinion of the Council be sufficiently repaired at a cost not exceeding fifty pounds;

the Council may after giving not less than seven days' notice to the person or persons concerned cause the drain or sewer to be repaired and subject to the next following subsection recover the expenses of so doing so far as they do not exceed fifty pounds from the person or persons concerned in such proportions (if there is more than one such person) as the surveyor may determine:

Provided that where the said expenses do not exceed two pounds the Council may if they think fit remit the payment thereof.

(2) In any proceedings under this section the court may inquire—

(a) whether the drain or sewer in question required repair and whether the work done by the Council was reasonable; and

(b) whether any apportionment made by the surveyor was fair;

and the court may make such an order concerning the expenses or their apportionment as appears to the court to be just:

Provided that the court shall not revise any apportionment unless it is satisfied that all persons affected thereby have had due notice of the proceedings and an opportunity of being heard.

(3) In this section the expression "person concerned" in relation to a drain or private sewer means any person owning premises drained by means of the drain or sewer and also in the case of a sewer the owner thereof.

42.—(1) If a water-closet drain or soil-pipe in the district is so constructed or repaired as to be prejudicial to health or a nuisance the person who undertook or executed the construction or repair thereof shall unless he shows that the prejudice to health or nuisance could not have been avoided by the exercise of reasonable care be liable to a penalty not exceeding twenty pounds.

Penalty for
improper
construction
or repair of
water-closet
etc.

(2) A person charged with an offence under this section (hereinafter in this section referred to as "the original defendant") shall upon information duly laid by him and on giving to

PART V
—cont.

the prosecutor not less than three clear days' notice of his intention be entitled to have any other person being his agent servant or workman to whose act or default he alleges the offence was due brought before the court at the time appointed for the hearing of the charge and—

- (a) if after the commission of the offence has been proved the original defendant proves that the offence was due to the act or default of that other person that other person may be convicted of the offence ; and
- (b) if the original defendant further proves that he used all due diligence to secure that the water-closet drain or soil-pipe in question was so constructed or repaired as not to be prejudicial to health or a nuisance he shall be acquitted of the offence.

(3) Where the original defendant seeks to avail himself of the provisions of subsection (2) of this section—

- (a) the prosecutor as well as the person whom the original defendant charges with the offence shall have the right to cross-examine the original defendant if he gives evidence and any witness called by him in support of his pleas and to call rebutting evidence ; and
- (b) the court may make such order as it thinks fit for the payment of costs by any party to the proceedings to any other party thereto.

Power to
cleanse
drains etc.

43. The Council may on the application of the owner or occupier of any premises in the district undertake the cleansing or repair of any drains water-closets sinks or gullies in or connected with the premises and may make and recover from the person so applying such charge if any for so doing as they think fit.

*Buildings*Ruinous and
dilapidated
buildings and
neglected
sites.

44.—(1) Paragraphs (b) and (ii) of subsection (1) of section 58 of the Act of 1936 and so much of subsection (2) of that section as relates to those paragraphs shall cease to have effect in the district and the following provisions of this section shall have effect in lieu thereof.

(2) Where a building in the district is by reason of its ruinous or dilapidated condition seriously detrimental to the amenities of the neighbourhood the Council may by notice require the owner thereof—

- (a) to execute such works of repair or restoration ; or
- (b) if he so elects to take such steps for demolishing the building or any part thereof and removing any rubbish or other material resulting from or exposed by the demolition ;

as may be necessary in the interests of amenity.

(3) Where rubbish or other material resulting from or exposed by the demolition or collapse of a building in the district is lying on the site of the building or on any land occupied with the building and by reason thereof the site or land is in such a condition as to be seriously detrimental to the amenities of the neighbourhood the Council may by notice require the owner of the site or land to take such steps for removing the rubbish or material as may be necessary in the interests of amenity.

(4) The provisions of section 290 of the Act of 1936 shall apply in relation to notices given under this section as they apply in relation to the notices mentioned in subsection (1) of that section and in their application to a notice given under subsection (2) of this section—

- (a) subsection (2) of the said section 290 shall be construed as requiring the notice to indicate both the nature of the works of repair or restoration and the works of demolition and removal of rubbish or material; and
- (b) subsection (6) of the said section 290 shall be construed as authorising the Council to execute subject to the provisions of that subsection at their election either the works of repair or restoration or the works of demolition and removal of rubbish or material.

(5) Notwithstanding anything in subsection (3) of section 276 of the Act of 1936 as applied by this Act that section shall apply to all rubbish or material removed by the Council under this section.

(6) In this section the expression “building” includes any structure.

45.—(1) Where plans for the extension or erection of a building used or to be used for manufacturing or other purposes are in accordance with building byelaws deposited with the Council and the plans show that it is proposed to construct a chimney for carrying smoke or steam or noisome or deleterious gases or effluvia from the building the Council shall reject the plans unless they are satisfied that the height of the chimney as shown on the plans will be sufficient to prevent it being prejudicial to health or a nuisance having regard to—

Height
of new
chimneys.

- (a) the purpose of the chimney;
- (b) the position and description of buildings near thereto;
- (c) the levels of the neighbouring ground; and
- (d) any other matters requiring consideration in the circumstances.

(2) If the Council reject the plans under this section the notice given in pursuance of subsection (2) of section 64 of the

PART V
—cont.

Act of 1936 shall specify this section as that under the authority of which the plans have been so rejected.

(3) This section shall not apply to a chimney of a generating station consent to the construction of which has been given in accordance with the provisions of the Electricity (Supply) Acts 1882 to 1936 by the Minister of Fuel and Power.

New building
overreaching
adjoining
chimneys.

46.—(1) Where after the passing of this Act—

- (a) any person erects or raises a building in the district (in this section referred to as “the taller building”) to a greater height than an adjoining building; and
- (b) any chimneys or flues of the adjoining building are in the party wall or in an external wall of the adjoining building;

the Council may by notice—

- (i) require that person within such time as may be specified in the notice to build up those chimneys and flues (if it is reasonably practicable so to do) so that the top thereof will be of the same height as the top of the chimneys of the taller building or the top of the taller building whichever is the higher; and
- (ii) require the owner or occupier of the adjoining building to allow the first-mentioned person to enter on that building and carry out such work as may be necessary to comply with the notice served on him:

Provided that if the said owner or occupier within fourteen days of the service of the notice on him serves on the first-mentioned person and on the Council a notice (in this section referred to as “a counter-notice”) that he elects to carry out the work himself the owner or occupier shall comply with the notice served under paragraph (i) of this subsection instead of the first-mentioned person and recover the cost of doing so from that person.

(2) Any person aggrieved by a requirement of the Council under this section may appeal to a magistrates’ court.

(3) If—

- (a) any person on whom a notice is served under paragraph (i) of subsection (1) of this section fails to comply with the notice (except in a case where the owner or occupier of an adjoining building has refused to allow entry on that building or the carrying out of any such work as may be necessary to comply with the notice or has served a counter-notice); or
- (b) any person on whom a notice is served under paragraph (ii) of subsection (1) of this section fails to comply with

the notice or having served a counter-notice fails to comply with the notice served under paragraph (i) of that subsection ;

PART V
—cont.

he shall be liable to a penalty not exceeding twenty pounds and the Council may themselves carry out such work as may be necessary to comply with the notice served under the said paragraph (i) and recover the expenses of so doing from the person on whom that notice was served.

47.—(1) If a magistrates' court is satisfied upon a complaint by the Council that any smoke gas or vapour from any chimney flue or pipe of a building or structure forming part of or within the curtilage of a house in the district is prejudicial to the health of any of the inhabitants of the district or a nuisance the court may make an order requiring the owner of the chimney flue or pipe within such time as may be specified in the order—

Power
to order
alteration
of domestic
chimneys.

(a) to cause it to be raised to a height so specified ; or

(b) to cause such other means for remedying the cause of complaint to be adopted as the court thinks fit :

Provided that the court shall not make an order under this section unless it is satisfied that the work to be done in pursuance of the order will not involve an expenditure exceeding fifty pounds.

(2) If any person fails to comply with an order made under this section he shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings.

48.—(1) Where plans of a house are in accordance with building byelaws deposited with the Council the Council may reject the plans if they do not show that the house will be provided with a bathroom containing a fixed bath.

Provision of
bathrooms.

(2) If the Council reject the plans for non-conformity with this section the notice given in pursuance of subsection (2) of section 64 of the Act of 1936 shall specify that the plans have been rejected on account of such non-conformity.

PART VI

MOVABLE DWELLINGS AND CAMPING GROUNDS

49. In this Part of this Act unless the context otherwise requires—

Interpretation
of Part VI.

“camping ground” means any area of land on which movable dwellings are situated or which is provided for the placing of movable dwellings ;

“movable dwelling” includes—

(a) any tent ;

(b) any structure capable of being moved from place to place ; and

PART VI
—cont.

(c) any van cart carriage truck tramcar railway-carriage motor car caravan trailer omnibus or other vehicle ;

used or intended to be used for the purpose of human habitation (whether temporarily or otherwise) but does not include—

(i) any tent structure or vehicle temporarily used by shepherds labourers or other persons for agricultural or other like purposes or in connection with building operations ;

(ii) any tent structure or vehicle temporarily used for the service of the county council or of any local authority or other public authority ;

(iii) any shelter provided for the treatment of tuberculosis or used in connection with an open air school ;

(iv) any vehicle used by the British Transport Commission in connection with the maintenance and repair of their undertaking ; or

(v) any tent structure or vehicle belonging to any statutory undertakers and any trailer drawn by such vehicle if and so long as such tent structure vehicle or trailer is used by those undertakers for the purposes of their undertaking.

Court may prohibit movable dwellings in certain areas.

50.—(1) Where it appears to the Council—

- (a) that the amenities of any part of the district are prejudicially affected by the presence of or conditions arising from any movable dwelling or movable dwellings in the district ; or
- (b) that annoyance is caused to the residents in or visitors to any part of the district by reason of the noisy indecent or other offensive conduct of the occupiers of or persons frequenting any movable dwelling or movable dwellings in the district ;

the Council may make complaint to a magistrates' court and the court may by order—

- (i) require the removal by the occupier or occupiers thereof within such period as may be prescribed by the order of the movable dwelling or of all or any particular one or more of the movable dwellings to which the complaint relates ; and
- (ii) prohibit any movable dwelling being placed on or limit the number or define the class of movable dwellings to be at any one time situate within the whole or some part of an area to be specified in the order.

(2) Any person aggrieved by any order made by a magistrates' court under subsection (1) of this section may appeal to the next practicable court of quarter sessions holden in or for the county.

(3) As soon as practicable after the making of an order under subsection (1) of this section prohibiting any movable dwelling being placed or limiting the number or defining the class of movable dwellings the terms of the order shall be published by the Council in one or more local newspapers circulating in the district and by placards posted in conspicuous positions in or near to the area specified in the order and such placards shall be left so posted so long as the order is in force.

(4) An order made by a magistrates' court under subsection (1) of this section prohibiting the placing of any movable dwelling or limiting the number or defining the class of movable dwellings shall take effect as from the expiration of fourteen days from the first publication of the terms of the order in the local newspaper under subsection (3) of this section and the area specified in such order shall not extend beyond the distance of two hundred yards from the movable dwelling or all of the movable dwellings to which the complaint related and no limitation or definition in such an order shall operate so as to prevent the retention on the area specified in the order of any movable dwelling not being a movable dwelling to which the complaint related.

(5) (a) Any occupier of a movable dwelling who fails to comply with any order of the court made under subsection (1) of this section requiring the removal of a movable dwelling within the period prescribed by the order shall be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding five pounds and the Council may themselves at any time after the expiration of the said period enter on the land and remove the movable dwelling and recover the expense of so doing from the occupier or occupiers.

(b) Any person who places or retains any movable dwelling in contravention of any order of the court made under subsection (1) of this section prohibiting any movable dwelling being placed or limiting the number or defining the class of movable dwellings shall be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding five pounds and the Council may themselves enter on the land and remove the movable dwelling in respect of which the offence has been committed and recover the expense of so doing from the person guilty of the offence.

(6) (a) Where a magistrates' court has made an order under subsection (1) of this section prohibiting any movable dwelling being placed or limiting the number or defining the class of

PART VI
—cont.

movable dwellings an application for the rescission of the order may be made to the court—

- (i) at any time by the Council ; or
- (ii) at any date not being less than three years from the date on which the order was made by any person deeming himself aggrieved by it provided he gives to the Council not less than fourteen days' notice of his intended application ;

and the court may on the hearing of any such application rescind the order.

(b) If the court rescinds the order notice of the rescission of the order shall as soon as practicable be published by the Council in one or more local newspapers circulating in that part of the district in which is situate the area specified in the order and the Council shall forthwith take down and remove all placards previously posted by them in pursuance of subsection (3) of this section.

(7) An order made under this section shall not operate so as to prohibit any development or require the discontinuance of any use for which planning permission under Part III of the Town and Country Planning Act 1947 has at the date of the said order been granted otherwise than by a development order but without prejudice to the power of the court by order to require the removal of any particular one or more movable dwellings with respect to which the Council have complained on any of the grounds mentioned under paragraph (b) of subsection (1) of this section.

Byelaws as
to camping
grounds.

51.—(1) The Council may make byelaws with respect to any camping grounds within the district whether provided by them or not—

- (a) for preventing the amenities of the district being prejudicially affected by the state or condition of any such camping ground ;
- (b) for securing the good and orderly conduct of persons frequenting any such camping ground and of the occupiers of the movable dwellings situate thereon ;
- (c) for preventing annoyance to the residents in or visitors to the district by the conduct of the occupiers of or persons frequenting movable dwellings situate on any such camping ground.

(2) (a) A copy of any byelaws made by the Council under this section shall be appended to any licence granted by them under section 269 of the Act of 1936 in respect of any camping ground to which such byelaws relate.

(b) The Council in granting any licence under the said section 269 shall not attach any condition which is inconsistent with any byelaws made by them under this section.

PART. VI.
—cont.

52. The last two foregoing sections of this Act shall not apply to—

Saving
from last
two foregoing
sections.

- (a) any movable dwelling or camping ground provided by or belonging to or used by any duly constituted religious or charitable society ;
- (b) any movable dwelling or camping ground provided by or belonging to or used by any association incorporated by royal charter or any organisation constituted by any such last-mentioned association in pursuance of their charter ;
- (c) any camping ground provided by or belonging to or used by members of any other duly constituted society or body operating throughout Great Britain which by their rules undertake responsibility for the management of the camping grounds provided by or belonging to them and used by their members and for the good conduct of their members when in camp ;
- (d) any movable dwelling situate on any such camping ground as is referred to in the foregoing paragraph (c) while the dwelling is occupied or used by the members of any society or body referred to in that paragraph ;
- (e) any movable dwelling which is used by a member of any duly constituted society or organisation which by their rules undertake the responsibility for the good conduct of their members when in camp and for their proper use of movable dwellings ; or
- (f) any movable dwelling which belongs to a person who is the proprietor of a travelling circus roundabout amusement fair stall or store (not being a pedlar hawker or costermonger) and which is regularly used by him in the course of travelling for the purpose of his business :

Provided that—

- (i) the exemptions conferred by the foregoing paragraphs (a) and (b) in respect of any movable dwelling or camping ground referred to in those paragraphs shall apply only for so long as the society association or organisation by or to which such movable dwelling or camping ground is provided or belongs or is used shall continue to make and enforce reasonable arrangements for the maintenance of good order amongst the

PART VI
—cont.

persons using the movable dwelling and for the proper management of the camping ground ;

- (ii) the exemptions conferred by the foregoing paragraphs (c) and (d) in respect of any camping ground or movable dwelling referred to in those paragraphs shall only apply so long as the society or body by or to which such camping ground is provided or belongs or is used or by the members of which such movable dwelling is occupied or used are duly exercising responsibility for the management of the camping ground and for the good conduct of their members when in camp thereon ;
- (iii) the exemption conferred by the foregoing paragraph (e) in respect of a movable dwelling used by a member of a society or organisation shall apply only so long as that society or organisation continues to enforce good conduct among its members and their proper use of movable dwellings ;
- (iv) the exemption conferred by the foregoing paragraph (f) on any person referred to in that paragraph shall apply only so long as such person is not guilty of any misconduct ; and
- (v) if any society association or organisation referred to in the said paragraphs (a) and (b) are using any camping ground provided by the Council or if any person being a member of any such society association or organisation or a person referred to in the said paragraph (f) is occupying or using a movable dwelling situate on any camping ground so provided the members of such society association or organisation or such person shall while camping on or occupying or using any movable dwelling situate on that camping ground comply with any byelaws made by the Council under this Part of this Act relating to that camping ground.

Provision
of camping
grounds.

53.—(1) The Council may subject to the approval of the Minister by agreement purchase or take on lease land within the district and use the same or any other land for the time being belonging to them for the purpose of providing camping grounds for any or for any particular class or number of movable dwellings as may be prescribed from time to time by the Council.

(2) The Council may provide such buildings equipment and services and may execute such works as may be necessary or expedient in connection with the provision of a camping ground under this section.

(3) The Council before applying for the approval of the Minister of the purchase taking on lease or use by them of any land under this section shall give notice of their proposal to every owner of land contiguous to the land proposed to be purchased taken on lease or used by them and also by advertisement in a local newspaper circulating in the district and in such other manner (if any) as the Minister may direct.

The said notice shall state the matters mentioned in paragraph (d) of subsection (4) of this section and a date (not being less than twenty-one days from the date of the notice) by which and the manner in which any person aggrieved by the proposal may make representations thereon to the Minister and shall require that any such person shall at the same time send a copy of his representations to the clerk.

(4) Before signifying approval of the purchase taking on lease or use by the Council of any land under this section the Minister shall consider any representations on the proposal of the Council which may be duly made with respect to any relevant circumstances and particularly as to—

- (a) the general interests of the public and the neighbourhood in relation to such proposal including the effect of the provisions of the proposed camping ground on the amenities of surrounding properties ;
- (b) the ability of the occupiers of movable dwellings to comply with any byelaws respecting the use of camping grounds made by the Council under this Part of this Act ;
- (c) the distance between and area of camping grounds in the neighbourhood whether provided by the Council under this section or not ; and
- (d) the area and situation of the proposed camping ground and the arrangements for providing a supply of water sanitation and other services with respect thereto ;

and may subject to the provisions of this section signify approval of the said proposal with or without modifications or may withhold such approval.

(5) Before signifying such approval the Minister may and if any representation is duly made and is not withdrawn shall (unless the representation appears to him to be frivolous) direct a local inquiry to be held.

(6) The Council shall give at least fourteen days' notice of the intention to hold such inquiry by advertisement in a local newspaper circulating in the district and shall also give similar notice in writing to every person who has duly made any representation and has not withdrawn the same.

PART VI
—cont.

(7) Where the Council have provided under this section a camping ground the occupier of any movable dwelling may (subject to any limitation on the number or definition of the class of movable dwellings which may have been prescribed by the Council with respect to the use of that camping ground for movable dwellings) encamp upon that camping ground on payment of such fee as may be prescribed by the Council.

Provisions as
to tents vans
etc.

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

(2) It shall not be lawful without the written consent of the Council to place any tent van shed or similar structure used for human habitation so as to stand upon any square court alley or passage to which the public have access.

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

PART VII

PARKS CEMETERIES ETC.

Powers to let
parks etc.
for games.

55. When any part of a park or pleasure ground provided by or under the management and control of the Council is set apart by them under paragraph (b) of subsection (1) of section 76 of the Public Health Acts Amendment Act 1907 for the purpose of cricket football or any other game or recreation the Council may permit the exclusive use by any club or other body of persons of—

- (a) any portion of the part set apart as aforesaid ; and
- (b) the whole or any part of any pavilion convenience refreshment room or other building provided under that section ;

subject to such charges and conditions as the Council think fit :

Provided that nothing in this section shall empower the Council to permit at one and the same time the exclusive use of—

- (i) more than one-third of the area of any park or pleasure ground ; or
- (ii) more than one-quarter of the total area of all the parks and pleasure grounds provided by them or under their management and control.

56. For the purpose of providing a parking place under section 68 of the Public Health Act 1925 as amended by section 16 of the Restriction of Ribbon Development Act 1935 the Council may with the consent of the Minister utilise any part of a park pleasure ground or open space provided by them or under their management and control: Parking places
in parks etc.

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

57.—(1) The Council may in any park pleasure ground or open space provided by them or under their management and control provide a boating pool. Boating pools.

(2) The Council may provide such buildings and execute such works as may be necessary or expedient in connection with the provisions of any boating pool under this section and references in the following provisions of this section to a boating pool so provided shall include references to any buildings provided or works executed under this subsection and to anything with which any such building or boating pool is equipped by virtue of section 271 of the Act of 1936 as applied by this Act.

(3) The Council may either—

- (a) themselves manage any boating pool provided under this section making such reasonable charges for the use thereof or admission thereto as they think fit; or
- (b) let it or any part thereof for such consideration and on such terms and conditions as they think fit.

(4) The powers of the Council under subsection (2) of section 44 of the Public Health Acts Amendment Act 1890 with respect to a piece of water in a park or pleasure ground provided by them shall be extended so as to be exercisable with respect to any boating pool provided under this section.

58.—(1) The Council may provide a golf course and for that purpose may by agreement acquire whether by way of purchase lease or exchange land whether situated within or without the district. Golf courses.

(2) The Council may provide such buildings and execute such works as may be necessary or expedient in connection with the provision of any golf course under this section and references in the following provisions of this section to a golf course so provided shall include references to any buildings provided or works executed under this subsection and to anything with which any such golf course or building is equipped by virtue of section 271 of the Act of 1936 as applied by this Act.

PART VII
—cont.

(3) The Council may either—

- (a) themselves manage any golf course provided under this section making such reasonable charges for the use thereof or admission thereto as they think fit; or
- (b) let it or any part thereof for such consideration and on such terms and conditions as they think fit.

(4) The Council may—

- (a) at any such golf course provide and sell refreshments of all kinds subject to the provisions of all enactments relating thereto;
- (b) enter into any agreement or arrangement for the provision and sale of refreshments as aforesaid;
- (c) grant upon such terms and conditions and for such period as they think fit the right so to provide and sell refreshments;
- (d) by themselves or any person appointed by them in that behalf apply for and hold licences for the sale of beer intoxicating liquors and tobacco at any such golf course.

(5) The Council may make byelaws for regulating the use of golf courses provided under this section whether within or without the district and the conduct of persons using them or resorting thereto.

Agreements
to maintain
graves and
tombstones.

59.—(1) The Council may agree with any person in consideration of the payment of a capital sum by him to maintain for a period fixed by the agreement a grave or tombstone in a burial ground or crematorium provided by the Council and the following provisions shall apply in relation to any such agreement:—

- (a) The said sum shall subject to the next following paragraph and any other enactment authorising its application in some other manner be invested in statutory securities;
- (b) If and in so far as the cost of maintaining the grave or tombstone in accordance with the agreement exceeds in any year the interest received on the said sum the cost shall be defrayed out of the capital of the said sum;
- (c) At the expiration of the period fixed by the agreement for the maintenance of the grave or tombstone the Council may apply the capital of the said sum or so much thereof as has not been expended under the last foregoing paragraph in any manner in which capital money may properly be applied by them under any enactment;

(d) The amount of the capital of the said sum and the interest thereon shall be shown separately in the accounts of the Council relating to the burial ground or crematorium.

(2) In this section—

the expression “burial ground” includes a cemetery;

the expression “grave” includes a grave space niche or urn;

the expression “tombstone” includes a monument or other memorial of a deceased person.

PART VIII

PUBLIC ORDER AND PUBLIC SAFETY

60.—(1) No person shall for the purpose of advertising any entertainment sporting event or meeting or any trade or business or any part of a trade or business operate or cause or suffer to be operated any loudspeaker when such loudspeaker is in any street in the district. Restrictions on use of loudspeakers in streets.

(2) No person shall operate or cause or suffer to be operated any loudspeaker for any purpose when such loudspeaker is in any street in the district unless he shall have given notice to the principal police station in the district so as to be received at least twenty-four hours before such loudspeaker is operated.

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

(4) This section shall not apply to—

(a) the use of a loudspeaker by the Council or the police or the fire brigade in the execution of their duty or in case of emergency; or

(b) the use of a loudspeaker by the British Transport Commission for the purpose of announcements to their passengers or staff at any station or depot of the said commission or by any persons operating public service vehicles for the purpose of announcements to their passengers whilst in any of their vehicles or any of their stations or depots or for communications between their staff; or

(c) the operation of any loudspeaker on a vehicle constructed or adapted for use for conveyance of any perishable commodity for human consumption (including ice-cream) where—

(i) the loudspeaker is used in conjunction with an electrically operated instrument to produce sounds (not being words);

PART VIII
—cont.

(ii) the main purpose of operating the said loudspeaker is to notify members of the public that the driver or other attendant of the vehicle is available to sell to members of the public such commodity conveyed by the vehicle ;

(iii) the loudspeaker is not operated so as to be a nuisance.

For the purposes of this paragraph "ice-cream" includes any similar commodity and the commodity known as "water ice."

(5) Nothing in this section shall apply to a loudspeaker forming part of a wireless receiving set inside a motor vehicle so long as such loudspeaker is used only for the private purposes of the occupants of the said vehicle and is not used so as to be an annoyance or nuisance to persons in a street.

(6) In this section the expression "loudspeaker" includes an amplifier or similar instrument.

Barriers in
streets.

61.—(1) For the purpose of securing public order or public safety or preventing congestion of traffic the Council may in any case of emergency or on any occasion on which it is likely by reason of some special attraction that any street in the district will be thronged or obstructed cause barriers to be erected in any street in the district and kept in position for so long as may be necessary for that purpose :

Provided that the Council shall not exercise the powers of this subsection—

(a) as respects any street belonging to or repairable by the British Transport Commission and forming the approach to any of their stations or depots without the consent of the British Transport Commission ;

(b) so as to deprive foot-passengers bona fide going to or from any building or land abutting on the street of reasonable access to the building or land.

(2) Any consent under proviso (a) to the foregoing subsection shall not be unreasonably withheld and any question whether it is unreasonably withheld shall be determined by the Minister of Transport and Civil Aviation.

(3) For the purpose of erecting barriers in a street under this section the Council may provide sockets or slots in or under the surface of the street.

(4) If any person wilfully removes or damages any barrier socket or slot erected or provided under this section he shall be liable to a penalty not exceeding five pounds.

62.—(1) No procession shall pass through the streets of the district unless written notice stating the route by which and the time at which it will so pass has been delivered at the office of the clerk and the principal police station in the district at least thirty-six hours (exclusive of Sundays) before the time so stated.

Notice
of street
processions.

(2) If any procession passes through the streets of the district in contravention of the foregoing subsection or by a route or at a time other than that stated in the notice delivered with respect thereto under that subsection any person organising or conducting the procession shall be liable to a penalty not exceeding five pounds.

(3) In this section the expression “procession” means any public or ceremonial procession or any circus procession or procession of wild animals:

Provided that nothing in this section shall apply to any public or ceremonial procession habitually held.

63.—(1) As from the appointed day no person shall at any place in the district to which this section applies—

Touting
hawking etc.

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

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

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

(ii) take any photograph by way of trade or business of any person:

Provided that—

(i) the Council shall not withhold their consent under paragraph (b) of this subsection to the sale or offering for sale by any person of newspapers and periodicals except on the ground that their consent to such sale or offering for sale has already been given to a reasonably sufficient number of other persons;

(ii) for the purpose of the said paragraph (b) the taking of a photograph for press purposes by any duly accredited representative of a newspaper periodical or news agency or by any person systematically selling or supplying photographs to newspapers periodicals or news agencies shall not be deemed to be the taking of a photograph by way of trade or business.

(2) This section applies to any place—

(a) in or on any esplanade parade promenade marine drive or public walk;

PART VIII
—cont.

- (b) in any park pleasure ground or open space which is provided by the Council or under their management and control ;
- (c) on the seashore ;
- (d) in any street or part of a street to which this section may be applied by byelaws made by the Council under this section.

(3) Any person aggrieved by the refusal of the Council to give their consent under paragraph (b) of subsection (1) of this section or by any terms or conditions attached to such consent may appeal to a magistrates' court.

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

(5) The provisions of this section shall not prevent the owner of any part of the seashore or any person with his consent exercising any rights which he could have exercised if this section had not been enacted.

Byelaws as
to pleasure
fairs and
roller-skating
rinks.

64.—(1) The Council may make byelaws—

- (a) for regulating the hours during which pleasure fairs and roller-skating rinks may be open to the public ;
- (b) for securing safe and adequate means of ingress to and egress from any pleasure fair or roller-skating rink ;
- (c) for the prevention and suppression of nuisances and preserving sanitary conditions cleanliness order and public safety at any pleasure fair or roller-skating rink.

(2) In this section—

- (a) the expression “ pleasure fair ” means any place—
 - (i) which is for the time being used wholly or mainly for providing (whether or not in combination with any other entertainment) any entertainment to which this section applies ; and
 - (ii) for admission to which or for the use of the contrivances in which a charge is made ;
- (b) the expression “ roller-skating rink ” means any place which is for the time being used wholly or mainly for roller-skating and for admission to which a charge is made.

(3) Subject to the provisions of the next following subsection the entertainments to which this section applies are the following:—

- (a) circuses ;
- (b) exhibitions of human beings or of performing animals ;
- (c) merry-go-rounds roundabouts swings switchback railways ;

- (d) coconut-shies hoop-las shooting galleries ;
- (e) dodgems or other mechanical riding or driving contrivances ;
- (f) automatic or other machines intended for entertainment or amusement ;
- (g) anything similar to any of the foregoing.

(4) Nothing in this section or the byelaws made thereunder shall apply to—

- (a) any fair held by statute royal charter royal licence letters patent or ancient custom ; or
- (b) any entertainment which is not run for profit and is not carried on for more than seven consecutive days ; or
- (c) any entertainment the profits whereof are devoted to a religious or charitable purpose.

(5) The Council shall—

- (a) not less than one month before making byelaws under this section furnish the Amusement Caterers' Association the Association of Amusement Park Proprietors of Great Britain and the Showmen's Guild of Great Britain with a draft of the proposed byelaws ; and
- (b) on submitting the byelaws to the Secretary of State for confirmation furnish him with a copy of any representations made to the Council in writing by any of the said bodies and a statement showing the effect if any given to any such representation.

(6) Different byelaws may be made under this section for pleasure fairs and roller-skating rinks and for different kinds of pleasure fairs.

(7) For the purposes of paragraph (a) of subsection (1) of section 287 of the Act of 1936 as applied by this Act the provisions of any byelaws made under this section shall be provisions which it is the duty of the Council to enforce.

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

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

(2) Any person aggrieved by the refusal of the Council to give their consent under the foregoing subsection may appeal to a court of summary jurisdiction.

(3) If any person erects provides or places any structure or chair in contravention of subsection (1) of this section he shall be liable to a penalty not exceeding forty shillings and if after

PART VIII
—cont.

conviction thereof the structure or chair remains on any such part of the seashore he shall be liable to a penalty not exceeding twenty shillings for each day on which it so remains.

(4) If any person uses any structure in contravention of subsection (1) of this section he shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

(5) In this section the expression "structure" means any shed hut shelter tent booth stall stand shop or other erection or obstruction whether on wheels or not.

PART IX

FINANCE

Power to
borrow.

66.—(1) Subject to the provisions of this Act the Council shall have power in addition and without prejudice to their powers of borrowing under the Local Government Act 1933 to borrow without the consent of any sanctioning authority for and in connection with the purposes mentioned in the first column of the following table the respective sums mentioned in the second column of the said table and they shall repay all money so borrowed within such periods as the Council may determine not exceeding those respectively mentioned in the third column thereof:—

(1)	(2)	(3)
Purpose	Amount	Period for repayment calculated from the date or dates of borrowing
(a) For the purchase of the undertaking of the company ...	£3,500	Sixty years.
(b) For the purchase of lands ...	The sum requisite	Sixty years.
(c) For the construction of the lift the construction and adaptation of buildings and the demolition of the existing lift structure ...	£10,701	Fifty years.
(d) For the provision and fixing of machinery cars and equipment for the lift ...	£12,700	Twenty years.
(e) For defraying the costs and expenses of and incidental to the purchase by and the transfer of the undertaking of the company to the Council (other than costs charges and expenses of this Act) ...	The sum requisite	Five years.
(f) For the payment of the costs charges and expenses of this Act	The sum requisite	Five years.

(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 the said Part IX and the period fixed by the Council under this section 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.

PART IX
—cont.

67. It shall not be lawful to exercise the powers of borrowing by this Act (other than the power to pay the costs charges and expenses of this Act) otherwise than in compliance with the provisions of any order for the time being in force made under section 1 of the Borrowing (Control and Guarantees) Act 1946.

Saving for
powers of
Treasury.

68.—(1) In addition to any other form of borrowing the Council may exercise any statutory borrowing power by the issue of bonds to be called " Sandown-Shanklin Urban District Council Bonds " (in this Act referred to as " bonds ") in accordance with the provisions of this Act.

Power to
issue bonds.

(2) Where the Council raise money by the issue of bonds sections 209 to 214 of the Local Government Act 1933 shall apply as if the money had been raised by borrowing by mortgage under that Act and bonds were mortgages within the meaning of that Act.

(3) The provisions set out in the Fourth Schedule to this Act shall have effect with regard to bonds.

(4) Bonds shall be deemed to be loan capital or funded debt within the meaning of section 8 of the Finance Act 1899, as amended by section 10 of the Finance Act 1907.

(5) The provisions of section 115 of the Stamp Act 1891 (which relates to the composition for stamp duty) shall with the necessary adaptations apply in the case of bonds as if those bonds were stock or funded debt within the meaning of that section.

69.—(1) Notwithstanding anything contained in any other enactment the Council may establish a fund to be called " the consolidated loans fund " to which (except so far as may be provided by the scheme hereinafter mentioned) shall be paid—

Consolidated
loans fund.

(a) all moneys borrowed by the Council by the issue of any authorised securities together with any moneys borrowed without security in connection with the exercise of any statutory borrowing power ;

(b) all moneys of a capital nature received by the Council whether from the sale of capital assets or otherwise except such as are paid into any capital fund established by the Council under section 1 of the Local Government (Miscellaneous Provisions) Act 1953 or are

PART IX
—cont.

applied by the Council with due authority to another capital purpose ; and

- (c) the appropriate sums provided in each year out of other funds of the Council to comply with the terms and conditions as to repayment attaching to their several borrowing powers or otherwise provided for the repayment of debt :

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

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

- (a) in the redemption of authorised securities the purchase of bonds or stock for extinction or the repayment of any moneys borrowed by the Council ;
- (b) in the exercise of any statutory borrowing power by transfer of the required amount to the appropriate fund and account of the Council :

And the moneys of the consolidated loans fund not used or applied in these ways or intended to be so used or applied within a reasonable period shall be invested in statutory securities and the sums realised by the sale of such securities shall be repaid on receipt to the consolidated loans fund and the moneys of the consolidated loans fund shall not except with the consent of the Minister be used or applied otherwise than as provided in this section.

(3) There shall also be transferred to the consolidated loans fund such sums as are necessary to meet the interest charges and the financing and other revenue expenses connected with the management of that fund and separate accounts shall be kept of those sums and their application.

(4) The Council may pay into the consolidated loans fund any moneys forming part of any reserve capital insurance superannuation or other similar fund (in this section respectively referred to as “ the lending fund ”) and not for the time being required for the purposes for which the lending fund was established and such moneys shall be deemed to be moneys borrowed by the Council within the meaning of subsection (1) of this section and shall be used accordingly subject to the following conditions :—

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

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

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

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

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

70.—(1) The Council may establish a fund to be called “ the insurance fund ” with a view to providing a sum of money which shall be available for making good all such losses damages costs and expenses as may from time to time be specified in a resolution of the Council (in this section referred to as “ the specified risks ”).

(2) The establishment of an insurance fund under this section shall not prevent the Council from insuring in one or more insurance offices against the whole or any part of all or any of the specified risks.

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

(a) such a sum as shall in their opinion be not less than the aggregate amount of the premiums which would be payable if the Council fully insured in some insurance office of good repute against the specified risks ; or

(b) if the Council insure in some insurance office against the whole or any part of all or any of the specified risks such sums as will together with the premiums paid for the last-mentioned insurance be not less than the aggregate amount aforesaid.

PART IX
—cont.

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

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

Provided that any payments by contribution from the housing revenue account shall not exceed the proportion of the total yearly payments which in the opinion of the Council properly relates to the specified risks arising from the purposes for which that account is kept.

(6) (a) Except so far as the insurance fund and the proceeds of sale of securities in which that fund is invested may be necessary to meet losses damages costs and expenses in consequence of the specified risks or any of them all moneys for the time being standing to the credit of the insurance fund shall (unless applied in any other manner authorised by any enactment) be invested in statutory securities and the interest and other annual proceeds received by the Council in respect of such investments shall be carried to and form part of the general rate fund.

(b) In addition to the sum required to be paid into the insurance fund by subsection (3) of this section the Council shall in every year so long as the insurance fund is less than the prescribed amount carry to the credit of that fund out of the general rate fund an amount equal to the interest and other annual proceeds carried to the general rate fund in pursuance of the last preceding paragraph.

(c) If and so long as the insurance fund amounts to the prescribed amount the interest and other annual proceeds received by the Council in respect of or on investments forming part of the insurance fund and carried to the general rate fund may be apportioned in the accounts of the Council between the several undertakings departments or services liable to contribute to the insurance fund in such shares or proportions as may be equitable.

(7) (a) The insurance fund shall be applied to meet any losses damages costs or expenses sustained by the Council in

consequence of the whole or any part of all or any of the specified risks in the order of the dates on which such losses damages costs or expenses become ascertained and if at any time and from time to time the insurance fund shall be insufficient to make good any such losses damages costs or expenses the Council may with the sanction of the Minister borrow at interest under and subject to the provisions of Part IX of the Local Government Act 1933 such sums of money as will be necessary to make up the deficiency.

(b) The amounts of the annual charges in respect of interest on and repayment of principal of any sums borrowed in pursuance of this subsection and the amounts of any such deficiencies as aforesaid not made up by borrowing shall be paid out of the general rate fund and charged in the accounts of the Council under the separate headings or divisions in respect of such undertakings departments or services of the Council and in such proportions as the Council may determine having regard to the risks through which such deficiencies arise.

(8) In this section—

the expression “insurance office” means an insurance company or underwriter being a member of an association of underwriters;

the expression “prescribed amount” means such sum as may from time to time be prescribed by resolution of the Council.

71.—(1) If in respect of any financial year the moneys received by the Council on account of the revenue of any of the undertakings of the Council (including the interest and other annual proceeds received by the Council in that year on the investments representing or forming part of any authorised fund provided in connection with such undertaking) shall exceed the moneys expended or applied by the Council in respect of that undertaking properly chargeable to revenue the Council (if they think fit) may in respect of that year apply out of the general rate fund a sum not exceeding the amount of such excess to any of the following purposes:—

Application
of general
rate fund
for certain
purposes.

(a) in the reduction of capital moneys borrowed for the purposes of the undertaking:

(b) in the renewal construction extension or improvement of any works and conveniences for the purposes of the undertaking or in payment of any expenses in respect of the undertaking which might otherwise have been defrayed out of capital moneys:

(c) in providing a reserve fund in respect of the undertaking by setting aside such an amount as the Council may from time to time think reasonable and (unless the

PART IX
—cont.

amount so set aside is applied in any other manner authorised by any enactment) investing the same in statutory securities until the reserve fund so provided amounts to the maximum reserve fund for the time being prescribed by the Council in respect of that undertaking.

(2) Any reserve fund which has been provided in respect of any of the undertakings of the Council and which is in existence on the first day of April one thousand nine hundred and fifty-six shall be carried to and form part of any reserve fund provided under this section in respect of such undertaking.

(3) Any reserve fund provided under this section may be applied—

- (a) in making good to the general rate fund any deficiency at any time happening in the income of the Council from the undertaking in connection with which it is formed ; or
- (b) in meeting any extraordinary claim or demand at any time arising against the Council in respect of that undertaking ; or
- (c) in or towards the payment of the cost of acquiring land for or renewing improving or extending any works forming part of the undertaking or otherwise for the benefit thereof ;

and so that if that fund be at any time reduced it may thereafter be again restored to the prescribed maximum and so from time to time as often as such reduction happens.

Expenses
of public
ceremonies
etc.

72. The Council may pay—

- (a) the reasonable expenses of the Council in providing public entertainment on the occasion of or otherwise in connection with public ceremony or rejoicing and in the reception and entertainment by way of official courtesy of distinguished persons residing in or visiting the district ;
- (b) reasonable expenses in connection with official and courtesy visits by or on behalf of the Council and payments for travelling expenses and for expenses reasonably incurred by or on behalf of any member or officer of the Council in connection therewith ;
- (c) reasonable expenses in providing refreshments for members or representatives of the Council or other bodies attending meetings of or conferences convened by the Council ; and
- (d) reasonable expenses in arranging and conducting ceremonies relative to or arising out of the statutory functions of the Council.

73.—(1) If a justice is satisfied on complaint by any officer of the Council duly authorised that any person is quitting or about to quit any premises in the district and has failed to pay on demand any general rate water rate or water charge which may be due from him and intends to evade payment of the same by departing from the said premises the justices may in addition to issuing a summons for non-payment of the same issue a warrant under his hand authorising the person named therein forthwith to enter the premises and to seize sufficient goods and chattels of the person in default to meet the claim of the Council and to detain them until the complaint is determined upon the return of the summons.

PART IX
—cont.Recovery of
rate etc.
from persons
removing.

(2) In this section “water charge” includes a meter rent.

74. For the purposes of section 15 of the Rating and Valuation Act 1925 the rates due from the person rated for any hereditament within the district shall be deemed to be in arrear if such rates are not paid within two months after lawful demand in writing has been made for the same.

As to
recovery of
rates from
tenants and
lodgers.

75.—(1) The Council may advance money to the purchaser or lessee of any land acquired from or leased by the Council for the purpose of enabling or assisting him to build on such land or to extend or improve any existing building thereon:

Loans for
erection etc.
of buildings.

Provided that any such advance shall not exceed in the case of a building being a house nine-tenths or in the case of any other building three-quarters of the amount which in the opinion of the Council will be the market value of the interest of the borrower in the land after the purpose of the loan has been effected.

(2) Before any advance is made under this section its repayment shall be secured to the satisfaction of the Council by a mortgage of the land and building in respect of which the advance is to be made or of the lessee's interest therein and the instrument securing the advance shall—

- (a) fix the rate of interest to be paid being a rate not less than the rate for the time being in operation under the Small Dwellings Acquisition Acts 1899 to 1923 as amended by section 92 of the Housing Act 1935 ;
- (b) fix the period within which the advance is to be repaid being a period not exceeding thirty years from the date of the advance ;
- (c) require the repayment to be made either by equal instalments of principal or by an annuity of principal and interest combined ;
- (d) fix the intervals at which all payments on account of principal and interest are to be made being intervals not exceeding half a year ;

PART IX
—cont.

- (e) authorise the borrower at any of the usual quarter days after one month's notice and on paying all sums due on account of interest to repay the whole of the outstanding principal of the advance or any part thereof being one hundred pounds (or such less sum as may be provided in the said instrument or as the Council may be prepared to accept) or a multiple of one hundred pounds (or of such less sum as aforesaid);
- (f) where the repayment is to be made by an annuity of principal and interest combined provide for determining the amount by which the annuity is to be reduced when a part of the advance is paid off otherwise than by way of an instalment of the annuity;
- (g) require the borrower either—
- (i) to keep the building in respect of which the advance is made insured against fire to the satisfaction of the Council and to produce to the Council when required the receipts for the premiums paid in respect of the insurance; or
- (ii) (if the Council elect themselves to insure the said building against fire) to repay to the Council the amounts of any premiums paid by them from time to time in that behalf;
- (h) require the borrower to keep the said building in good repair.

(3) Any person acting on behalf of the Council and authorised in writing by the clerk shall have power at all reasonable times to enter any building in respect of which an advance has been made under this section for the purpose of ascertaining whether the conditions of this section and of the instrument aforesaid are being complied with.

(4) In this section the expression "lessee" includes a person to whom the Council have agreed to grant a lease and the expression "lease" shall be construed accordingly.

PART X

MISCELLANEOUS

Noise
nuisance.

76.—(1) Any excessive or unreasonable or unnecessary noise which is prejudicial to health or a nuisance shall be a statutory nuisance for the purposes of Part III of the Act of 1936:

Provided that—

- (a) in any proceedings brought by virtue of this section under the said Part III in respect of a noise occasioned in the course of any trade or business it shall be a

defence for the defendant to prove that he has used the best practicable means for preventing or mitigating the noise having regard to the cost and to other relevant circumstances ;

(b) a justice shall not entertain a complaint under section 99 of the Act of 1936 with respect to a noise unless it is made by not less than three occupiers of premises within hearing of the noise.

(2) Nothing in this section shall apply to a noise occasioned by the exercise by railway undertakers of statutory powers conferred in relation to their railway undertaking.

(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.

77.—(1) Every undertaking given by or to the Council to or by the owner of any legal estate in land and every agreement made between the Council and any such owner being an undertaking or agreement—

Undertakings and agreements binding successive owners.

(a) given or made under seal on the passing of plans or otherwise in connection with the land ; and

(b) expressed to be given or made in pursuance of this section ;

shall be binding not only upon the Council and any owner joining in the undertaking or agreement but also upon the successors in title of any owners so joining and any person claiming through or under them.

(2) Any such undertaking or agreement shall be treated as a local land charge for the purposes of the Land Charges Act 1925 as amended by the Law of Property (Amendment) Act 1926.

(3) Any person upon whom any such undertaking or agreement is binding shall be entitled to require from the Council a copy thereof.

78. The powers of the Council under section 134 of the Information Local Government Act 1948 shall extend to any information centres concerning the district and its neighbourhood.

PART XI

GENERAL

79. Section 265 of the Public Health Act 1875 shall apply to the Council as if any reference in that section to the said Act of 1875 included a reference to this Act.

Protection of members and officers of Council from personal liability.

PART XI

—cont.

Liability of
Council for
work done
in default
or by request.

80.—(1) Where under any enactment—

- (a) the Council require any person (in this section referred to as “the defaulter”) to execute any work or take any action; and
- (b) in default or at the request of the defaulter the Council or any of their officers execute the work or take the action;

then in the absence of negligence on the part of the Council or of any such officer or of any contractor employed by them or him—

- (i) the Council shall not as between themselves and the defaulter be liable to pay any damages in respect of or consequent upon the execution of the work or the taking of the action; and
- (ii) any such damages as aforesaid paid by the Council to any other person shall be deemed to be part of the expenses payable by the defaulter and shall be recoverable accordingly.

(2) In this section the expression “damages” includes penalties costs and charges.

Restriction
on right to
prosecute.

81. Proceedings in respect of an offence created by or under this Act shall not without the written consent of the Attorney-General be taken by any person other than a party aggrieved or the Council.

Confirming
authority
for byelaws.

82. As respects byelaws made under this Act the confirming authority for the purpose of section 250 of the Local Government Act 1933 shall be the Minister except that in the case of byelaws made under the sections hereinafter mentioned the confirming authority shall be the Secretary of State:—

- Section 13 (Charges for use of lift and byelaws relating to the lift);
- Section 57 (Boating pools);
- Section 58 (Golf courses);
- Section 63 (Touting hawking etc.);
- Section 64 (Byelaws as to pleasure fairs and roller-skating rinks).

Appointed
day.

83.—(1) For the purposes of section 63 (Touting hawking etc.) of this Act the expression “the appointed day” means such day as may be fixed by resolution of the Council subject to and in accordance with the provisions of this section.

(2) The Council shall cause to be published in a local newspaper circulating in the district notice—

- (a) of the passing of any such resolution and of the date fixed thereby; and

(b) of the general effect of the provisions of the said section 63 coming into operation as from that date ;
and the date so fixed shall not be earlier than the expiration of one month from the date of publication of the said notice.

(3) Either—

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

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

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

84.—(1) Section 300 of the Act of 1936 shall apply with Appeals. respect to appeals to a magistrates' court under any enactment in this Act as it applies with respect to such appeals under any enactment in that Act and sections 301 and 302 of that Act shall apply accordingly.

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

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

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

then until the time for appealing has expired or when an appeal is lodged until the appeal is disposed of or withdrawn or fails for want of prosecution—

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

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

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

(2) Subsections (2) to (5) of section 290 of the Local Government Act 1933 shall apply in relation to any such inquiry and for that purpose the definition of the expression " department "

PART XI
—cont.

in subsection (8) of that section shall include any Minister of the Crown having functions under this Act as well as the Ministers therein mentioned.

(3) In this section the expression “Minister of the Crown” has the same meaning as in the Ministers of the Crown (Transfer of Functions) Act 1946.

Application
of general
provisions
of Public
Health Act
1936.

86.—(1) The sections of the Act of 1936 mentioned in Part I of the Fifth Schedule to this Act shall have effect as if references therein to the Act of 1936 included a reference to this Act.

(2) The sections of the Act of 1936 mentioned in Part II of the said schedule shall have effect as if references therein to the Act of 1936 included a reference to Part IV (Streets) Part V (Sanitation and buildings) and Part VI (Movable dwellings and camping grounds) of this Act and also to section 76 (Noise nuisance) of this Act.

(3) The section of the Act of 1936 mentioned in Part III of the said schedule shall have effect as if references therein to the Act of 1936 included a reference to the Parts and section of this Act mentioned in subsection (2) of this section and also to section 64 (Byelaws as to pleasure fairs and roller-skating rinks) of this Act.

Repeal and
amendment
of local
enactments.

87.—(1) The following articles of the Pier Order 1918 are hereby repealed:—

Article 40 (Sinking fund);

Article 41 (Annual return to Local Government Board);

Article 42 (Power to reborrow);

Article 44 (Contingency fund).

(2) For the purpose of removing doubts so much of the Sandown Urban District Council Act 1928 as relates to matters other than water supply is hereby repealed.

(3) Sub-division (5) of article 45 of the Pier Order 1918 shall have effect as if the words “under section 71 (Application of general rate fund for certain purposes) of the Sandown-Shanklin Urban District Council Act 1955” were substituted for the words “into a contingency fund established under the provisions of this order”.

For protection
of certain
statutory
undertakers.

88. For the protection of the Southern Electricity Board (in this section referred to as “the electricity board”) and the Southern Gas Board (in this section referred to as “the gas board”) the following provisions shall unless otherwise agreed

in writing between the Council and the undertakers apply and have effect:—

PART XI
—cont.

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

“ apparatus ” means—

(a) in relation to the electricity board electric lines and works (as respectively defined in the Electric Lighting Act 1882) belonging to or maintained by the electricity board ;

(b) in relation to the gas board mains pipes or other apparatus belonging to or maintained by the gas board ;

and includes any works constructed for the lodging therein of apparatus ;

“ in ” in a context referring to apparatus includes under over across along or upon ; and

“ undertakers ” means the electricity board and the gas board or either of such boards :

- (2) Nothing in Part II or Part III of this Act shall authorise the Council to acquire or interfere with any apparatus of the gas board in Lift Road except by agreement with the gas board :
- (3) For the purposes of section 27 (Prohibition of building until street defined) of this Act land shall not be deemed to be occupied in connection with a building by reason only of the existence of apparatus in such land and nothing in the said section 27 shall prevent the undertakers from beginning to erect or proceeding with the erection under a new street for the purposes of their respective undertakings of an electricity sub-station a street box a pressure governor house or a meter-house :
- (4) Nothing in section 28 (Prohibition of building until street formed and sewerred) of this Act shall prevent the undertakers from beginning to erect or proceeding with the erection for the purposes of their respective undertakings of apparatus (including an electricity sub-station a feeder pillar a pressure governor house or a meter-house) on land abutting on any new street before such new street is constructed or sewerred in accordance with street byelaws :
- (5) Nothing in the following sections of this Act shall relieve the Council from liability for damage caused by them to any apparatus of the undertakers in the exercise of the powers of the said sections and the Council shall so

PART XI
—cont.

exercise those powers as not (so far as reasonably practicable) to obstruct or render less convenient the access to any apparatus:—

Section 31 (Trees grass verges and gardens);

Section 36 (Decorations in streets);

Section 61 (Barriers in streets):

- (6) Nothing in section 31 (Trees grass verges and gardens) of this Act shall affect the rights of the undertakers with respect to any apparatus (including the placing of apparatus) in any grass verge or garden:

Provided that in exercising such rights the undertakers shall not cause or permit except in cases of necessity horses or vehicles to enter upon any verge which is maintained in an ornamental condition or mown or any garden:

- (7) Nothing in section 41 (Power to repair drains and private sewers) shall authorise the Council to execute any works in under over across along or upon any operational land within the meaning of the Town and Country Planning Act 1947 of the gas board without the consent of the gas board but such consent shall not be unreasonably withheld:

- (8) (a) Any difference which may arise between the Council and the undertakers under this section (other than a difference as to the meaning or construction of this section which does not arise in the course of the arbitration) shall be referred to and determined by a single arbitrator to be agreed upon between the parties or in default of agreement to be appointed on the application of either party after notice in writing to the other of them by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1950 shall apply to any such reference and determination;

- (b) In settling any difference under this section the arbitrator may if he thinks fit require the Council to execute any temporary or other works so as to avoid so far as may be reasonably possible interference with any purpose for which any apparatus is used.

Saving for
trusts etc.

89.—(1) No power conferred upon the Council by the sections of this Act which are mentioned in subsection (2) of this section shall be exercised in such manner—

- (a) as to be at variance with any trust subject to which any land or building is held managed or controlled by the Council without an order of the High Court or of the

Charity Commissioners or of the Minister of Education or (where the trust instrument reserves to the donor or any other person the power to vary the trust) without the consent of the donor or that other person ; or

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

(2) The sections of this Act which are subject to this section are—

- Section 53 (Provision of camping grounds) ;
- Section 55 (Powers to let parks etc. for games) ;
- Section 56 (Parking places in parks etc.) ;
- Section 57 (Boating pools) ;
- Section 58 (Golf courses).

90. This Act shall be deemed to be an enactment passed before and in force at the passing of the Town and Country Planning Act 1947 for the purposes of subsection (4) of section 13 and subsection (1) of section 118 of the said Act of 1947. Saving for town and country planning.

91. All the costs charges and expenses preliminary to and of and incidental to the preparation of and the application for and the obtaining and passing of this Act or otherwise in relation thereto as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Council out of the general rate fund or out of moneys to be borrowed under this Act for that purpose. Costs of Act.

SCHEDULES

FIRST SCHEDULE

LOCAL ENACTMENTS

Session and chapter	Local enactment
40 & 41 Vict. c. ccxxvii ...	Section 7 (Special provisions as to the Provisional Order relating to the Local Government District of Sandown) of the Local Government Board's Provisional Orders Confirmation (Caistor Union &c.) Act 1877 as extended to the district by section 64 of the Isle of Wight Review Order 1933 made under section 46 of the Local Government Act 1929.
8 & 9 Geo. 5 c. xxxi ...	Sandown Pier Order 1918 confirmed by the Pier and Harbour Orders Confirmation Act 1918.

SECOND SCHEDULE

THIS AGREEMENT is made the Sixteenth day of November One thousand nine hundred and fifty-four BETWEEN THE SHANKLIN LIFT COMPANY LIMITED whose registered office is at Castle View Ventnor in the Isle of Wight (hereinafter called "the Company") of the one part and the URBAN DISTRICT COUNCIL OF SANDOWN-SHANKLIN (hereinafter called "the Council") of the other part

WHEREAS—

(1) The Company was incorporated in the year One thousand eight hundred and ninety-three as a Company limited by shares under the Companies Acts 1862 to 1890 with a nominal capital of Five thousand pounds divided into five thousand shares of One pound each of which four thousand two hundred and five shares have been issued and the same are fully paid up:

(2) The main objects for which the Company was established included (inter alia) the construction purchase or acquisition and working of a lift a railway or tramway at Shanklin in the Isle of Wight or elsewhere the purchase and taking on lease of any real or personal property and any rights or privileges necessary for or convenient to any of the above objects the investment and dealing with moneys not immediately required and the sale of all or any part of the property and rights of the Company:

(3) By an Underlease dated the first day of October One thousand eight hundred and seventy-seven and made between Edward Stiebel and Barrow Emanuel of the one part and Edward Thomas Blew of the other part a piece of land situate near to the sea at Shanklin aforesaid including the part of the land described in Part I of the Schedule hereto (hereinafter referred to as "the Schedule") was demised unto the said Edward Thomas Blew for the term of Nine

hundred and seventy years from the twenty-fourth day of June One thousand eight hundred and seventy-seven at the yearly rent and subject to the covenants by the lessee and the conditions by and in the said Underlease reserved and contained:

(4) By an Underlease dated the second day of October One thousand eight hundred and seventy-seven and made between Edward Stibel and Barrow Emanuel of the one part and William Henry Blew of the other part a piece of land and cliff situate near to the sea at Shanklin aforesaid including the land and cliff described in Parts II and III of the Schedule and part of the said land described in Part I of the Schedule were demised unto the said William Henry Blew for the term of Nine hundred and seventy years from the twenty-fourth day of June One thousand eight hundred and seventy-seven at the yearly rent and subject to the covenants by the lessee and the conditions by and in the said Underlease reserved and contained:

(5) After certain mortgages acts in the law and assignments the lands and cliff demised by the said Underleases of the first day of October One thousand eight hundred and seventy-seven and the second day of October One thousand eight hundred and seventy-seven respectively became vested in the Company for the residue of the terms granted by the said two Underleases:

(6) By an Underlease dated the thirtieth day of October One thousand eight hundred and ninety-seven and made between Edward Bowles of the one part Sir George Newnes of the second part and the Company of the third part certain land at Shanklin aforesaid described in Part IV of the Schedule was demised unto the Company for the term of Nine hundred years from the eighteenth day of February One thousand eight hundred and ninety-one at the rent and subject to the covenants by the Company and the conditions by and in the said Lease reserved and contained:

(7) By a Sub-lease dated the twenty-second day of June One thousand nine hundred and twenty-six and made between the Company of the one part and Charles Walter Cureton of the other part all that piece or parcel of land situate on the Esplanade at Shanklin aforesaid (being part of the piece of land demised by the before-recited Underlease of the second day of October One thousand eight hundred and seventy-seven) together with the messuage or dwelling-house erected thereon and known as "Esher House" (being the land and premises described in Part II of the Schedule) were demised unto the said Charles Walter Cureton for the residue of the term granted by the said Underlease of the second day of October One thousand eight hundred and seventy-seven (less the last three days thereof) at the yearly rent and subject to the covenants by the lessee and the conditions by and in the said Underlease reserved and contained:

(8) By an assignment dated the twenty-ninth day of May One thousand nine hundred and fifty-two and made between the Company of the one part and William Richard Owen and Molly Owen of the other part First all that piece of land having a frontage to the Esplanade at Shanklin aforesaid (being part of the piece of land demised by the before-recited Underlease of the first day of October One thousand eight hundred and seventy-seven) together

2ND SCH.
—cont.

with the hotel and outbuildings erected thereon then known as "Warwick House" but in future intended to be known as "Meyrick Cliffs Hotel". And secondly all that piece of land adjoining the northern boundary of the property first described and measuring from north to south twelve feet six inches (being part of the piece of land demised by the before-recited Underlease of the second day of October One thousand eight hundred and seventy-seven) were assigned unto the said William Richard Owen and Molly Owen as to the premises first thereby assigned for all the residue of the term granted by the said Underlease of the first day of October One thousand eight hundred and seventy-seven subject to the payment of the whole of the rent reserved by and to the exceptions and reservations and the observance and performance of the covenants on the part of the lessee and the conditions in the said Underlease of the first day of October One thousand eight hundred and seventy-seven contained so far as they affected the said property and as to the premises secondly thereby assigned freed and discharged from the payment of the rent reserved by but subject to the exceptions and reservations and to the covenants on the part of the lessee and the conditions in the said Underlease of the second day of October One thousand eight hundred and seventy-seven so far as they affected the said property:

(9) In or about the year One thousand eight hundred and ninety-three the Company constructed on part of the said lands described in Parts I III and IV of the Schedule a lift for the conveyance of the public up and down the cliffs at Shanklin and the lift was in public use until the year One thousand nine hundred and forty when owing to the war the operation of the lift was terminated and during the war the lift suffered damage and is now derelict:

(10) Under the War Damage Act 1943 the owners of the lift are entitled to a payment by the War Damage Commission:

(11) The Company have agreed to sell and the Council have agreed to purchase the undertaking and property of the Company upon the terms hereinafter appearing:

NOW IT IS HEREBY AGREED between the parties hereto as follows (that is to say):—

1. In this Agreement (unless the subject and context otherwise requires)—

"The day of transfer" means the first day of October or the first day of April next following the coming into force of the Act the Bill for which is referred to in Clauses 8 and 9 hereof;

"The undertaking" means and includes all the real and personal property rights privileges and interests of the Company including the lands and premises described in the Schedule together with all buildings plant and machinery on the said lands and all stocks stores deeds and other assets of the Company and in particular all sums due to the Company from the War Damage Commission save and except cash at the bank or in hand (including deposits or investments in the Trustee Savings Bank and Co-operative

Permanent Building Society) and debts due to the Company (not being sums due from the War Damage Commission) on the day of transfer including any unpaid rent or otherwise on revenue account and except the books and papers relating exclusively to the shareholders in or the constitution of the Company.

2. This Agreement except Clauses 4 5 7 and 14 is subject to and conditional upon—

- (a) the coming into force of the Act the Bill for which is mentioned in Clauses 8 and 9 hereof ;
- (b) the approval by special resolution of the Company of this Agreement and such provisions of the Bill for the said Act as relate (i) to the transfer of the undertaking to the Council and (ii) to the Company.

3.—(1) The Company shall sell and the Council shall purchase the undertaking free and discharged from all mortgages charges incumbrances debts and liabilities for the sum of Three thousand five hundred pounds.

(2) The undertaking shall be vested in the Council on the day of transfer by the said Act the Bill for which is referred to in Clauses 8 and 9 hereof.

(3) The Company shall deliver to the Council on or before the day of transfer all deeds agreements plans reports books of account vouchers letters and other records of the business of the Company forming part of the undertaking as defined in Clause 1 hereof save and except such books of account vouchers letters and other records of the business of the Company as shall be required to be retained by the Company in connection with the winding up of its affairs as referred to in Clause 11 hereof which documents shall (if required by the Council) be handed over to the Council immediately on completion of such winding up.

(4) The said sum of Three thousand five hundred pounds shall be paid to the Company on or within one month of the day of transfer.

(5) The property is sold subject to the existing Sub-lease dated the twenty-second day of June One thousand nine hundred and twenty-six before recited and also subject to and with the benefit of the charges covenants and conditions contained in the before-recited Assignment of the twenty-ninth day of May One thousand nine hundred and fifty-two Provided that nothing herein contained shall prevent the Council from acquiring the sub-lessee's interest in the back or western part of the grounds of the premises known as "Esher House" where such part adjoins the lands formerly used for the lift.

4. The Company shall deliver to the Council or their solicitors within seven days of their being requested so to do a sufficient abstract of their title to the said lands and premises described in the Schedule commencing with the three recited Underleases dated the thirtieth day of October One thousand eight hundred and ninety-seven the first day of October One thousand eight hundred and seventy-seven and the second day of October One thousand eight hundred and seventy-seven.

2ND SCH.
—cont.

5. The Council shall within twenty-eight days after the delivery of the said Abstract of Title send to the solicitors of the Company a statement in writing of all the objections and requisitions (if any) to or on (a) the title or evidence of title or (b) the Abstract and subject thereto the title shall be deemed accepted and all objections and requisitions not included in any statement sent within the time aforesaid shall be deemed waived and an abstract though in fact imperfect shall be deemed perfect except for the purpose of any further objections or requisitions which could not be taken or made on the information therein contained and an answer to any objection or requisition shall be replied to in writing within ten days after the delivery thereof and if not so replied to shall be considered satisfactory and time shall be deemed in all respects as of the essence of this clause.

6. The Company shall be entitled to any rent and other sums of money due on revenue account and shall discharge and pay all outgoing and liabilities in respect of the undertaking accruing due up to or which shall have accrued due prior to the day of transfer and the Council shall be entitled to any rent and other sums of money and shall discharge and pay all outgoing and liabilities in respect of the undertaking which shall accrue on and after the day of transfer and where necessary all such receipts and outgoing shall be apportioned between the Company and the Council.

7. After the date hereof the Company shall not without the consent in writing of the Council dispose of any assets (otherwise than in the distribution of its cash in hand and other moneys in the normal course of liquidation) raise any capital borrow any money or make or incur any expenditure or liability on capital account or otherwise than in the ordinary course of business make or incur any expenditure or liability on revenue account.

8. The Council shall promote in Parliament in the next ensuing Session a Bill for the purpose of carrying this Agreement into effect and for empowering the Council to construct and maintain on the lands described in the Schedule or some of them a lift for the conveyance of the public up and down the cliff The Company shall assist the Council in every way possible in promoting and in the passing of such Bill through Parliament and for such purposes shall supply the Council with all such information particulars and evidence in the possession of the Company or any of their officers as the Council may reasonably require and the Company shall provide for the attendance of such of their members and officers as shall at the request of the Council attend to give evidence before any Select Committee of either House of Parliament before which the Bill may be heard.

9. This Agreement shall be scheduled to and confirmed by the Bill referred to in the last preceding clause hereof and such Bill shall provide for the vesting in the Council of the undertaking as from the day of transfer freed and discharged from all mortgages charges and other incumbrances and from all debts and liabilities of the Company and for the winding up of the Company.

10. The Company shall take all necessary steps so as to procure after the deposit in Parliament of the Bill referred to in Clauses 8

and 9 hereof the approval by special resolution of the Company of this Agreement and of such of the provisions of the above-mentioned Bill as relate to (a) the transfer of the undertaking to the Council and (b) the Company. The Company shall deliver a certified copy of the said special resolution to the Council for deposit in Parliament.

11. From and after the day of transfer the Company shall subsist only for the purpose of receiving and recovering the money to which the Company are entitled under this Agreement and of discharging paying and satisfying the mortgages charges debts and liabilities of the Company and paying and distributing any dividends interest or other moneys to be distributed by them and for winding up their affairs and as from the day of transfer or such later date as the money to which the Company are entitled under this Agreement is paid as the case may be the Company shall be deemed to be a Company to which section 278 of the Companies Act 1948 applies and to have passed a special resolution for a members' voluntary winding up.

12. The Council shall pay to the Company (a) the costs and expenses of the Company's solicitors of this Agreement and of the deduction and verification of the Company's title (b) the costs and expenses of the Company in assisting the Council to obtain the Act the Bill for which is referred to in Clauses 8 and 9 hereof but not the costs and expenses of the convening and holding of the meeting to pass the special resolution referred to in Clause 10 hereof and (c) the costs and expenses of the Company of and incidental to the winding up and dissolution of the Company in pursuance of this Agreement. Provided that if the last-mentioned costs and expenses exceed the sum of One hundred pounds the Council shall be liable to pay to the Company the said sum of One hundred pounds and no more. Failing agreement all legal costs and expenses shall be taxed as between solicitor and client and any dispute concerning any other costs and expenses shall be determined by arbitration.

13. In addition to the costs and expenses mentioned in the immediately last preceding clause hereof the Council shall pay to the Company the sum of One hundred and twenty-five pounds in respect of surveyor's fees.

14. From and after the date of this Agreement any duly authorised officer or officers of the Council and their assistants shall have access to the lands described in the Schedule during working hours and may inspect the works books accounts papers records plans and documents of the undertaking and make themselves acquainted with the affairs of the undertaking and the Company and its officers shall give to such officer or officers of the Council and their assistants such assistance and information relating to the matters aforesaid as they may reasonably require.

15.—(1) If either of the conditions referred to in Clause 2 hereof are not fulfilled within two years from the date hereof this Agreement shall be void and of no effect and neither party shall have any claim against the other in respect of costs fees and expenses or otherwise.

(2) This Agreement is subject to such alterations as Parliament may think fit to make therein but in the event of any material alteration being made in this Agreement or in the clauses of the Bill to give

2ND SCH.
—cont.

effect thereto during the passage of the said Bill through Parliament it shall be in the option of either party by notice in writing given to the other of them as soon as reasonably practicable after the making of such material alteration to cancel this Agreement. Thereupon the same shall become void and of no effect and neither party shall have any claim against the other in respect of costs fees expenses or otherwise.

16. If any difference shall arise between the Company and the Council under this Agreement the same shall be referred to a single arbitrator to be agreed upon by the parties hereto or failing agreement to be appointed at the request of either party after notice in writing to the other by the President of the Law Society London and save as aforesaid the provisions of the Arbitration Act 1950 shall apply to such reference and determination.

IN WITNESS whereof the Company and the Council have caused their respective Common Seals to be hereunto affixed the day and year first above written.

THE SCHEDULE above referred to

PART I

All that piece of land near the sea at Shanklin aforesaid situate at the foot of the cliff and bounded on the east by the premises known as "Meyrick Cliffs" formerly "Warwick House" and measuring from north to south 54 feet or thereabouts and from east to west 37 feet or thereabouts.

PART II

All that piece of land near the sea at Shanklin aforesaid and having a frontage of 46 feet upon or towards the Esplanade there together with a messuage or dwelling-house erected thereon or on some part thereof and known as "Esher House" and bounded on the south in part by the said Meyrick Cliffs and in part by the said piece of land described in Part I of the Schedule.

PART III

All those cliffs at Shanklin aforesaid situate to the west of the two pieces of land described in Parts I and II of the Schedule.

PART IV

All that piece of land situate on the top of the cliff at Shanklin aforesaid on the eastern side of East Cliff Promenade near its junction with Palmerston Road and measuring from north to south on the western side thereof 170 feet 6 inches or thereabouts.

THE COMMON SEAL of The Shanklin Lift Company Limited was hereunto affixed in the presence of—

R. W. G. RUSSELL *Chairman*

G. R. C. DODD *Secretary*

THE COMMON SEAL of the Sandown-Shanklin Urban District Council was hereunto affixed in the presence of—

F. G. YOUNG *Chairman*

W. R. WILLCOX *Clerk*

THIRD SCHEDULE

APPORTIONMENT AND RECOVERY OF EXPENSES OF CONSTRUCTING
SEWERS

1. The sum apportionable shall not exceed the sum certified by the surveyor to be at the relevant date the average cost per lineal yard of providing a public sewer having an internal diameter of nine inches in a private street in a district multiplied by the extent in lineal yards (as so certified) of the sewer or length of sewer in question.

2. The expenses incurred by the Council not exceeding the sum so apportionable shall be apportioned by the Council on the premises fronting adjoining or abutting on the street or part of the street in question according to the frontages of the respective premises as existing at the relevant date:

Provided that no sum shall be apportioned on any premises in contravention of any agreement between the Council and the owner of the premises and any sum which but for this proviso would have been apportioned on any premises shall be deducted from the aggregate sum to be apportioned under this paragraph.

3. As soon as the apportionment has been made the Council shall serve on the owners of the several premises affected notice of the sums respectively apportioned to them and the notice shall state the right of appeal conferred by the next following paragraph.

4. Any person aggrieved by an apportionment under this schedule may appeal to a court of summary jurisdiction and may on the appeal dispute the correctness of the surveyor's certificate as well as any other matter affecting the validity or correctness of the apportionment.

5. If the court finds on any such appeal that the aggregate sum apportioned is excessive or that the apportionment thereof is erroneous the court—

(a) shall order the Council to revise not only the sum apportioned to the appellant but also the sums apportioned to the owners of the other premises affected and to submit the revised apportionment to the court for approval; and

(b) may if satisfied that the owners of all premises affected have had due notice of the proceedings and an opportunity of being heard approve any such revised apportionment either without amendment or with such amendments as it thinks just.

6. Whenever a new building requiring foul water drainage is erected after the relevant date on any premises on which a sum has been or is thereafter apportioned under this schedule that sum shall be recoverable by the Council subject to and in accordance with the following provisions:—

(a) The said sum shall be recoverable to an extent proportionate to the frontage on the street or part of the street of the site of the new building and the land occupied therewith:

3RD SCH.
—cont.

Provided that where a sum has become payable under sub-paragraph (c) of this paragraph in respect of the frontage of the site of a new building and land occupied therewith no further sum shall be recoverable in respect of the same length of frontage or any part thereof by reason of the erection of another new building on that site or that land ;

(b) At any time after whichever of the following events last occurs (that is to say) :—

(i) the erection of the new building ; or

(ii) the expiration of the time for appealing against the apportionment or if an appeal is brought within that time the final determination of the appeal ;

the Council may serve on the owner for the time being of the new building a demand for payment of the amount recoverable together with interest thereon from the date of the demand :

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

(c) As from the date of the service of the said demand the amount recoverable together with interest thereon from that date until payment thereof shall be payable by the owner on whom the demand is served and shall be charged on the new building and the land occupied therewith and on all estates and interests therein ;

(d) The rate of interest chargeable under this paragraph shall be such rate as the Council may determine not exceeding the maximum rate fixed by the Minister for the purpose of section 291 of the Act of 1936 at the time when the said demand is served or if different maximum rates are then so fixed the highest of those rates.

7.—(1) If any person from whom any sum becomes recoverable under the last foregoing paragraph proves that by reason of the length of frontage of the land occupied with the building in respect of which the sum is so recoverable the amount of that sum is disproportionate to the benefit accruing to the premises the Council may remit such part of that sum as they may think just but in that event if another new building is subsequently erected on the said land the said paragraph shall apply to that other building as if the first-mentioned building had not been erected :

Provided that the amount recoverable in respect of that other building shall not exceed the amount remitted.

(2) Any person aggrieved by a decision of the Council with respect to any such remission may appeal to a court of summary jurisdiction.

8.—(1) The sum apportioned on any premises under this schedule shall for the purposes of section 15 of the Land Charges Act 1925

as amended by the Law of Property (Amendment) Act 1926 be deemed to be a charge on the premises notwithstanding that it is not immediately recoverable.

3RD SCH.
—cont.

(2) Where the whole or part of the sum so deemed to be a charge (hereafter in this sub-paragraph referred to as “the provisional charge”) becomes actually charged on the whole or part of the premises under the foregoing provisions of this schedule—

- (a) within fourteen days the registration of the provisional charge under the said section 15 shall be cancelled and the actual charge shall be registered under that section as from the date on which the provisional charge was registered ;
- (b) where a part only of the said sum has become actually charged on a part of the premises the remainder of that sum shall be deemed to be a charge on the remainder of the premises notwithstanding that it is not immediately recoverable and shall be registered accordingly within the said fourteen days under the said section as from the said date and the foregoing provisions of this sub-paragraph shall apply thereto accordingly.

9. For the purposes of this schedule—

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

(b) the following alterations and extensions shall be deemed to be the erection of a new building (that is to say):—

(i) the re-erection wholly or partially of any building of which an outer wall is pulled down (otherwise than in consequence of fire or other accident) either completely or to such an extent that the part of that wall remaining is less than half the previous height of the building (the height being measured from ground level to the highest point of the building) ;

(ii) the conversion into a house of any building not originally constructed for human habitation ;

(iii) the conversion of any premises into a factory shop or place of public resort ;

(iv) any extension by reason whereof the area occupied by the site of the building will (with any previous extension made since the relevant date) be increased by an area of more than one-eighth or in the case of a building constructed for agricultural purposes one-quarter of that occupied by the site of the building before that date ;

(c) the expression “the relevant date” means—

(i) in relation to an apportionment under section 37 (Recovery of expenses of sewerage public highway) of this Act in pursuance of a resolution of the Council the date when the resolution became operative ; and

(ii) in relation to an apportionment under section 38 (Recovery of expenses of sewerage prospective street) of this Act in respect of land becoming a street the date on which the street was laid out.

FOURTH SCHEDULE

PROVISIONS AS TO BONDS

1. Bonds shall be issued in such amounts in denominations of five pounds and multiples of five pounds and for such periods not being less than seven years as the Council may determine.

2. (a) Bonds may be issued at such price and at such rates of interest as the Council may from time to time determine:

Provided that bonds shall not be issued at a price lower than par except with the consent of the Minister.

(b) The nominal amount of bonds issued shall not exceed in the aggregate according to the price of issue such amounts as will together produce the actual amount of money for the time being authorised to be borrowed by the Council.

(c) Where a bond has been issued at a price lower than par so much of the issue as represents the difference between the price of the bond as issued and its nominal value shall be treated as a loan authorised by a statutory borrowing power and repayable out of the revenues of the Council on or before the date for repayment specified in the certificate issued in respect of the bond.

3. Bonds shall be repayable at par (unless the same shall have been previously cancelled by purchase in the open market or by agreement with the bondholder) at the place and on the dates specified in the certificates issued in respect of the bonds and no interest shall be payable thereon in respect of any period after the date upon which the bond is repayable.

4.—(1) The treasurer shall keep a register of all persons who are holders for the time being of bonds.

(2) The register shall contain the following particulars:—

(a) the name and address and description of each holder a statement of the denomination of the bonds held by him the price at which and the periods for which they are issued and the numbers and dates of the certificates issued to him as hereinafter provided ;

(b) the date of registration of each holder and the date on which he ceased to be so registered.

(3) The register shall be prima facie evidence of any matter entered therein in accordance with the provisions of this Act and of the title of the persons entered therein as holders of bonds.

5.—(1) The Council shall issue to each holder of a bond a certificate in respect thereof duly numbered and dated and specifying the denomination of the bond and the period for which it is issued.

(2) If a certificate is worn out or damaged the Council on the production thereof may cancel it and issue a new certificate in lieu thereof.

(3) If a certificate is lost or destroyed the Council on proof thereof to their satisfaction and if they so require on receiving an indemnity against any claims in respect thereof may issue a new certificate in lieu of the certificate lost or destroyed.

(4) An entry of the issue of a substituted certificate shall be made in the register.

(5) A certificate shall be in the following form or in a form substantially to the like effect:—

No.....

Date.....

Sandown-Shanklin Urban District Council Bonds
.....per centum Sandown-Shanklin Urban District Council bond repayable at par on the
.....19..... at.....

This is to certify that

of

is the registered holder of a bond for pounds (£) issued by the Sandown-Shanklin Urban District Council under the Sandown-Shanklin Urban District Council Act 1955 at

The common seal of the Sandown-Shanklin Urban District Council was hereunto affixed in the presence of }

Chairman

Clerk

6. The certificate shall be prima facie evidence of the title of the person therein named his executors administrators or assigns to the bond therein specified but the want of a certificate if accounted for to the satisfaction of the Council shall not prevent the holder of the bond from disposing of and transferring the bond.

7.—(1) The transfer of a bond shall be by deed in the following form or in a form substantially to the like effect:—

Sandown-Shanklin Urban District Council Bonds

FORM OF DEED OF TRANSFER

I in consideration of the sum of paid by

(hereinafter called "the transferee") do hereby assign and transfer to the transferee.....

To hold unto the transferee his executors administrators and assigns subject to the several conditions on which I held the same immediately before the execution hereof.

And I the transferee do hereby agree to accept and take the said subject to the conditions aforesaid.

As witness our hands and seals this day of One thousand nine hundred and

(2) A bond may be transferred in whole or in part so however that any part transferred shall not be for an amount other than an amount for which a bond may be issued by the Council.

4TH SCH.
—cont.

(3) The deed of transfer shall be delivered to and retained by the Council and the Council shall enter a note thereof in a book to be called the "Register of transfers of Sandown-Shanklin Urban District Council Bonds" (hereinafter referred to as "the register") and shall endorse on the deed of transfer a notice of that entry.

(4) The Council shall upon receipt of the deed of transfer duly executed and properly stamped together with the certificate issued in respect of the bond enter the name of the transferee in the register and shall issue a new certificate or certificates to the transferee or to the transferor and transferee as the case may require.

(5) Until the deed of transfer and the certificate have been delivered to the Council as aforesaid the Council shall not be affected by the transfer and the transferee shall not be entitled to receive any payment of interest on the bond.

(6) The Council before registering a transfer of a bond may if they think fit require evidence by statutory declaration or otherwise of the title of any person claiming to make the transfer.

8. The Council may close the register for a period not exceeding thirty days immediately before the date for the payment of any interest on the bonds and notwithstanding the receipt by the Council during those periods of any deed of transfer the payment of interest next falling due may be made to the persons registered as holders of the bonds on the date of the closing of the register.

9.—(1) Any person becoming entitled to a bond by reason of the death or bankruptcy of a holder or by any lawful means other than a transfer may by the production of such evidence of title as the Council may require either be registered as holder of the bond or instead of being himself registered may make such transfer of the bond as the holder could have made and the Council shall issue a certificate accordingly.

(2) Until such evidence as aforesaid has been furnished to the Council they shall not be affected by the transmission of the bond and no person claiming by virtue thereof shall be entitled to receive any payment of interest thereon.

(3) Where two or more persons are registered as holders of a bond they shall be deemed to be joint holders with right of survivorship between them.

10. The Council before paying any interest on any bonds may if they think fit require evidence by statutory declaration or otherwise of the title of any person claiming a right to receive the interest.

11.—(1) Unless the holder of a bond otherwise requests the Council may pay the interest thereon by posting a warrant to the holder at his address as shown on the register.

(2) The posting by the Council of an interest warrant addressed to a holder as aforesaid shall as respects the liability of the Council be equivalent to the delivery of the warrant to the holder himself.

12. The production to the Council of any document which is by law sufficient evidence of probate of the will or letters of administration of the estate or confirmation as executor of a deceased person having been granted to some person shall notwithstanding anything in this schedule be accepted by the Council as sufficient evidence of the grant.

FIFTH SCHEDULE

SECTIONS OF ACT OF 1936 APPLIED

PART I

SECTIONS APPLIED GENERALLY

Section	Marginal note
271	Interpretation of "provide".
277	Power of councils to require information as to ownership of premises.
283	Notices to be in writing; forms of notices etc.
284	Authentication of documents.
285	Service of notices etc.
286	Proof of resolutions etc.
288	Penalty for obstructing execution of Act.
296	Summary proceedings for offences.
297	Continuing offences and penalties.
304	Judges and justices not to be disqualified by liability to rates.
328	Powers of Act to be cumulative.

PART II

SECTIONS APPLIED TO PARTS IV V AND VI AND SECTION 76 OF
THIS ACT

Section	Marginal note
275	Power of local authority to execute certain work on behalf of owners or occupiers.
276	Power of local authority to sell certain materials.
289	Power to require occupier to permit works to be executed by owner.
291	Certain expenses recoverable from owners to be a charge on the premises: power to order payment by instalments.
292	Power to make a charge in respect of establishment expenses.
293	Recovery of expenses etc.
294	Limitation of liability to certain owners.
295	Power of local authority to grant charging orders.
299	Inclusion of several sums in one complaint etc.
329	Saving for certain provisions of the Land Charges Act 1925.

PART III

SECTION APPLIED TO PARTS IV V AND VI AND SECTIONS 64 AND 76
OF THIS ACT

Section	Marginal note
287	Power to enter premises.

Table of Statutes referred to in this Act

Short title	Session and chapter
Lands Clauses Consolidation Act 1845 ...	8 & 9 Vict. c. 18.
Public Health Act 1875	38 & 39 Vict. c. 55.
Local Loans Act 1875	38 & 39 Vict. c. 83.
Trade Union Act Amendment Act 1876 ...	39 & 40 Vict. c. 22.
Local Government Board's Provisional Orders Confirmation (Caistor Union &c.) Act 1877	40 & 41 Vict. c. ccxxvii.
Telegraph Act 1878	41 & 42 Vict. c. 76.
Electric Lighting Act 1882	45 & 46 Vict. c. 56.
Public Health (Buildings in Streets) Act 1888	51 & 52 Vict. c. 52.
Public Health Acts Amendment Act 1890 ...	53 & 54 Vict. c. 59.
Stamp Act 1891	54 & 55 Vict. c. 39.
Private Street Works Act 1892	55 & 56 Vict. c. 57.
Finance Act 1899	62 & 63 Vict. c. 9.
Open Spaces Act 1906	6 Edw. 7. c. 25.
Finance Act 1907	7 Edw. 7. c. 13.
Public Health Acts Amendment Act 1907 ...	7 Edw. 7. c. 53.
Pier and Harbour Confirmation Act 1918 ...	8 & 9 Geo. 5. c. xxxi.
Acquisition of Land (Assessment of Compensa- tion) Act 1919	9 & 10 Geo. 5. c. 57.
Land Charges Act 1925	15 & 16 Geo. 5. c. 22.
Supreme Court of Judicature (Consolidation) Act 1925	15 & 16 Geo. 5. c. 49.
Roads Improvement Act 1925	15 & 16 Geo. 5. c. 68.
Public Health Act 1925	15 & 16 Geo. 5. c. 71.
Rating and Valuation Act 1925	15 & 16 Geo. 5. c. 90.
Law of Property (Amendment) Act 1926 ...	16 & 17 Geo. 5. c. 11.
Sandown Urban District Council Act 1928...	18 & 19 Geo. 5. c. lxxiv.
Local Government Act 1929	19 & 20 Geo. 5. c. 17.
Road Traffic Act 1930	20 & 21 Geo. 5. c. 43.
Local Government Act 1933	23 & 24 Geo. 5. c. 51.
Housing Act 1935	25 & 26 Geo. 5. c. 40.
Restriction of Ribbon Development Act 1935	25 & 26 Geo. 5. c. 47.
Public Health Act 1936	26 Geo. 5 & 1 Edw. 8. c. 49.
Ministers of the Crown (Transfer of Functions) Act 1946	9 & 10 Geo. 6. c. 31.
Borrowing (Control and Guarantees) Act 1946	9 & 10 Geo. 6. c. 58.
Town and Country Planning Act 1947 ...	10 & 11 Geo. 6. c. 51.
Local Government Act 1948	11 & 12 Geo. 6. c. 26.
Companies Act 1948	11 & 12 Geo. 6. c. 38.
Lands Tribunal Act 1949	12 & 13 Geo. 6. c. 55.
Arbitration Act 1950	14 Geo. 6. c. 27.
Public Utilities Street Works Act 1950 ...	14 Geo. 6. c. 39.
Local Government (Miscellaneous Provi- sions) Act 1953	1 & 2 Eliz. 2. c. 26.

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