London County Council (General Powers) Act, 1956

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ARRANGEMENT OF SECTIONS

PART I

PRELIMINARY

PART V

EXTENSIONS OF TIME

PART VI

MISCELLANEOUS

PART VII

SUPPLEMENTAL

CHAPTER lxxvii

An Act to confer further powers upon the London County Council and other authorities to alter the boundary between the administrative counties of London and Surrey and for other purposes.

[2nd August 1956.]

WHEREAS—

(1) it is expedient that the London County Council (hereinafter referred to as " the Council ") should be empowered to acquire for the purposes of the Education Acts 1944 to 1953 certain lands described or referred to in Part II of this Act and to remove from a part of those lands and from certain other lands the restrictions imposed by the Disused Burial Grounds Act 1884:

(2) the British Transport Commission are the owners of the forecourt of Charing Cross Railway Station in the city of Westminster but by virtue of section xcvi of the Charing Cross Railway Act 1859 they are required to maintain the said forecourt as an open public space and are prohibited from disposing of the same and from erecting buildings thereon:

(3) it is expedient that a portion of the said forecourt should be used for the widening of the Strand in the said city and that the said commission should be empowered to dispose of such portion to the Council for that purpose as by this Act provided:

(4) it is expedient that the boundaries of the administrative counties of London and Surrey should be altered so as to include within the metropolitan borough of Wandsworth a part of the municipal borough of Barnes and to include within that municipal borough a part of the said metropolitan borough:

(5) by the London County Council (Woolwich Subsidences) Act 1950 powers were conferred upon the Council with respect to the control of the use and occupation of certain lands in the metropolitan borough of Woolwich where subsidence is likely to occur:

(6) it is expedient that further powers as in this Act provided should be conferred upon the Council in respect of such lands for the purpose of preventing subsidence or further subsidence occurring therein or thereunder:

(7) the time limited by certain enactments for the compulsory purchase of lands and the completion of certain works by the Council will shortly expire and it is expedient that the time so limited should be extended as by this Act provided:

(8) it is expedient that the Council should be empowered to stop up permanently a portion of a public footpath situate partly in the municipal borough of Barking and partly in the metropolitan borough of Woolwich on land held by the Council for purposes of their main drainage functions:

(9) the Council maintain a superannuation and provident fund under the London Council (General Powers) Act 1891 as amended by subsequent enactments and it is expedient that provision should be made as in this Act provided for determining the method of calculating the retirement benefits of certain contributors to that fund:

(10) it is expedient that the references to "continued" fever should cease to be included in the definitions of notifiable infectious disease and dangerous infectious disease contained in the Public Health (London) Act 1936:

(11) it is expedient that provision should be made as is in this Act provided with regard to the payment of fees to the Council under the London Building Acts 1930 to 1939 with respect to any building structure or work which having been begun is suspended:

(12) it is expedient that provision should be made for requiring the provision of adequate means of artificial lighting of common staircases in certain buildings used for human habitation:

(13) it is expedient that the council of the metropolitan borough of Camberwell (hereinafter referred to as "the Camberwell Council") should be empowered to transfer to the Board of Governors of the Bethlem Royal Hospital and the Maudsley Hospital certain land in the metropolitan borough of Camberwell known as the Grove Lane Nursery held by them as a public open space and that on such transfer the London Squares and Enclosures (Preservation) Act 1906 and the London Squares Preservation Act 1931 should cease to apply to such land:

(14) under section 105 of the London County Council (General Powers) Act 1937 the councils of the metropolitan boroughs of Shoreditch Bermondsey Finsbury Greenwich Hammersmith Southwark and Stoke Newington have power to make certain payments into the superannuation funds maintained by those councils under the Shoreditch and other Metropolitan Borough Councils (Superannuation) Acts 1922 to 1951 and it is expedient that those councils should be authorised to exercise the said power in respect of the superannuation funds maintained by them under Part I of the Local Government Superannuation Act 1937 in substitution for the superannuation funds aforesaid:

(15) it is expedient that the other provisions contained in this Act should be enacted:

(16) the objects aforesaid cannot be attained without the authority of Parliament:

(17) plans showing the lands which may be acquired or used compulsorily by the Council under the powers of this Act and a book of reference to such plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of such lands have been deposited with the clerk of the Council and with the clerk of the county council of the administrative county of Essex and are in this Act referred to respectively as the deposited plans and deposited book of reference:

(18) in relation to the promotion of the Bill for this Act the Council (as respects the appropriate provisions of the Bill) have complied with the requirements of section 151 of the London Government Act 1939 and the Camberwell Council and the councils of the metropolitan boroughs of Shoreditch Bermondsey Finsbury Greenwich Hammersmith Southwark and Stoke Newington (as respects the provisions of the Bill relating exclusively to those councils) and the council of the metropolitan borough of Wandsworth (as respects the provisions of the Bill relating to Part III (Alteration of boundaries) of this Act) have complied with the requirements of sections 151 and 152 of the said Act of 1939 as amended by the London County Council (General Powers) Act 1948:

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 (that is to say):—

PART I

PRELIMINARY

Short title.

1. This Act may be cited as the London County Council (General Powers) Act 1956.

Act divided into Parts.

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

Part I.—Preliminary.

Part II.—Lands.

Part III.—Alteration of boundaries.

Part IV.—Woolwich subsidences.

Part V.—Extensions of time.

Part VI.—Miscellaneous.

Part VII.—Supplemental.

Interpretation.

3.—(1) In this Act except as otherwise expressly provided or unless the subject or context otherwise requires—

" the Act of 1845 " means the Lands Clauses Consolidation Act 1845;

" the Act of 1919 " means the Acquisition of Land (Assessment of Compensation) Act 1919;

" the Act of 1929 " means the Local Government Act 1929;

" the Act of 1936 " means the Public Health (London) Act 1936;

" the Act of 1939 " means the London Government Act 1939;

" the Act of 1947 " means the Town and Country Planning Act 1947;

" the Barnes Corporation " means the mayor aldermen and burgesses of the municipal borough of Barnes acting by the council of that municipal borough;

" borough " (except in the expression " municipal borough ") means a metropolitan borough and " the borough " means the metropolitan borough in relation to which the expression is used;

" borough council " means the council of a borough and " the borough council " means the council of the borough in relation to which the expression is used;

" the Camberwell Council " means the council of the borough of Camberwell;

" the Council " means the London County Council;

" the county " means the administrative county of London;

PART I —*cont.*

"enactment" means any enactment whether public general or local and includes any order regulation scheme byelaw or other instrument having effect by virtue of an enactment;

"land" or "lands" includes any interest in land and any easement or right in to or over land;

"the Minister" means the Minister of Housing and Local Government;

"the Surrey Council" means the county council of the administrative county of Surrey;

"the tribunal" means the tribunal or other authority to whom any question of disputed purchase money or compensation under this Act is referred in pursuance of the Act of 1919;

"the Wandsworth Council" means the council of the borough of Wandsworth;

"the Woolwich Council" means the council of the borough of Woolwich.

(2) Except as otherwise expressly provided in this Act or unless the context otherwise requires terms to which meanings are assigned by any enactment incorporated with or applied by this Act or which have in any such enactment special meanings have in and for the purposes of this Act the same respective meanings.

(3) Any reference in this Act to an 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.

Incorporation of Lands Clauses Acts.

4. The Lands Clauses Acts except section 92 and sections 127 to 133 of the Act of 1845 (so far as such Acts are applicable for the purposes of and are not inconsistent with the provisions of this Act) are hereby incorporated with and form part of this Act.

Correction of errors in deposited plans and book of reference.

5.—(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 plans 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 a metropolitan police magistrate (as respects land within the county) or to two justices of the peace having jurisdiction in the place where the land is situated (as respects land outside the county) for the correction thereof.

(2) If on any such application it appears to the magistrate or the justices that the omission misstatement or wrong description arose from mistake he or they shall certify the fact

PART I —*cont.*

accordingly and shall in his or 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 Council and a copy thereof shall be deposited with the clerk of the county council of the administrative county of Essex and with the town clerk of the borough or municipal borough in which the land is situate and thereupon the deposited plans 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 exercise the powers conferred by this Act in relation to 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 II

LANDS

Power to acquire lands.

6.—(1) Subject to the provisions of this Act the Council may enter upon take and use such of the lands in the borough of Southwark delineated on the deposited plans and described in the deposited book of reference as may be required for the purposes of the Education Acts 1944 to 1953.

(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 October nineteen hundred and fifty-six.

Acquisition of part only of certain properties.

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

(*a*) in the case of a house building or factory that such part as is proposed to be taken can be taken without material detriment to the house building or factory; 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.

(2) 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 factory park or garden.

PART II —*cont.*

Power to expedite entry.

8. At any time after serving a notice to treat in respect of any land which may be acquired compulsorily under this Act but not less than one month after giving to the owner and occupier of the land notice of their intention to exercise the powers of this section the Council may enter on and take possession of the land or such part thereof as is specified in the last-mentioned notice without previous consent and without compliance with sections 84 to 90 of the Act of 1845:

Provided that the Council shall pay the like compensation for land of which possession is taken under this section and the like interest on the compensation awarded as would have been payable if the provisions of those sections had been complied with.

Power to enter for survey or valuation.

9. Any person acting on behalf of the Council and duly authorised by the clerk of the Council may at all reasonable times enter on any land which may be acquired compulsorily under this Act for the purpose of surveying or valuing the land:

Provided that no land shall be entered upon under this section unless the Council not less than twenty-four hours before the first entry and not less than twelve hours before any subsequent entry have given notice to the owner and occupier of the land.

Disregard of recent improvements and interests.

10. 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—

(*a*) any improvement or alteration made or building erected after the fifth day of December nineteen hundred and fifty-five; or

(*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.

11.—(1) All private rights of way over any land which may be acquired compulsorily under this Act 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 Act of 1919.

Provision of substituted sites.

12. The power of the Council of purchasing land by agreement shall include power to purchase land by agreement for the purpose of providing substituted sites or facilities for the owners and occupiers of land which may be acquired under any enactment.

PART II —*cont.*

Power to reinstate owners or occupiers of property.

13.—(1) The Council may enter into and carry into effect an agreement or arrangement with the owner or occupier of any land acquired under this Act with respect to his reinstatement elsewhere.

(2) Any such agreement may provide for the exchange of land and for that purpose the Council may pay or receive money for equality of exchange.

As to former burial ground in Southwark.

14.—(1) Nothing in the Disused Burial Grounds Act 1884 shall apply to so much of the land in the borough of Southwark as is shown by pink colour on the plan signed in triplicate by Sir Roger Conant Baronet the chairman of the committee of the House of Commons to whom the Bill for this Act was referred one copy of which has been deposited in the Parliament Office House of Lords one copy in the Private Bill Office of the House of Commons and one copy with the clerk of the Council:

Provided that this subsection shall have effect in relation to any such land from the date of the passing of this Act or from the date of the acquisition thereof by the Council whichever is the later.

(2) Before the Council build on any part of the land described in the foregoing subsection they shall remove or cause to be removed the remains of all deceased persons interred in that part:

Provided that a Secretary of State on the application of the Council and on being satisfied that such removal is not necessary or desirable may dispense with all or any of the requirements of this section on such conditions (if any) as he thinks fit.

(3) Before proceeding to remove any such remains the Council shall publish a notice for three successive days in two newspapers circulating in the county to the effect that it is intended to remove such remains and such notice shall have embodied in it the substance of subsections (4) to (7) of this section.

(4) At any time within one month after the first publication of such notice any person who is an heir executor administrator or relative of any deceased person whose remains are proposed to be removed may give notice in writing to the Council of his intention to undertake the removal of such remains and thereupon he shall be at liberty to cause such remains to be removed to and reinterred in any burial ground or cemetery in which burials may legally take place but in the case of a churchyard only with the consent of the incumbent of the parish.

(5) If any person giving such notice as aforesaid shall fail to satisfy the Council that he is such heir executor administrator or relative as he claims to be the question shall be determined on the application of either party in a summary manner by

PART II —*cont.*

the registrar of the county court within the jurisdiction of which the land is situated who shall have power to make an order specifying who shall remove the remains.

(6) The expense of such removal and reinterment (not exceeding in respect of remains removed from any one grave the sum of twenty-five pounds) shall be defrayed by the Council such sum to be apportioned if necessary equally according to the number of remains in the grave.

(7) If—

(*a*) within the said period of one month no such notice as aforesaid is given to the Council in respect of the remains in any grave; or

(*b*) within one month after such notice has been given no application has been made under subsection (5) of this section and the person giving the notice fails to remove the remains; or

(*c*) within one month after any order is made under the said subsection the person (not being the Council) specified in the order fails to remove the remains;

the Council may remove the remains of the deceased person and cause them to be interred in such burial ground or cemetery in which burials may legally take place as the Council think suitable for the purpose but in the case of a churchyard the previous consent of the incumbent of the parish shall be required.

(8) The removal of the remains of any deceased person under this section shall be carried out under the supervision and to the satisfaction of the medical officer of health of the county.

Partial removal of restrictions contained in section xcvi of Charing Cross Railway Act 1859.

15.—(1) In this section—

"the commission" means the British Transport Commission;

"the pink lands" means the lands forming part of the open paved forecourt or area in front of Charing Cross Railway Station and coloured pink on the plan signed in triplicate by Sir Roger Conant Baronet the chairman of the committee of the House of Commons to whom the Bill for this Act was referred one copy of which has been deposited in the Parliament Office House of Lords one copy in the Private Bill Office of the House of Commons and one copy with the clerk of the Council.

(2) Notwithstanding anything contained in section xcvi (Company to form Area in front of Station) of the Charing Cross Railway Act 1859 the commission may sell or otherwise dispose of the whole or any part of the pink lands to the Council for

PART II —*cont.*

the purpose of enabling the Council to effect a widening of the Strand and for no other purpose.

(3) As from the date on which the Council acquire the pink lands or any part of them from the commission the provisions of the said section xcvi shall cease to apply to the pink lands or to so much thereof as has been so acquired (as the case may be).

PART III

ALTERATION OF BOUNDARIES

Interpretation of Part III of Act.

16. In this Part of this Act—

"the appointed day" means the first day of April nineteen hundred and fifty-seven;

"electoral area" means an electoral division of an administrative county or a ward of a borough or of a municipal borough;

"existing" means existing immediately before the appointed day;

"the London added areas" means the areas shown by pink colour on the map;

"the map" means the map marked "Map showing the alteration of boundaries effected by the London County Council (General Powers) Act 1956" and signed in quadruplicate by Sir Roger Conant Baronet the chairman of the committee of the House of Commons to whom the Bill for this Act was referred one copy of which has been deposited in the Parliament Office House of Lords one copy in the Private Bill Office of the House of Commons one copy with the clerk of the Council and one copy with the clerk of the Surrey Council;

"the Surrey added area" means the area shown by blue colour on the map;

"the transferred areas" means the London added areas and the Surrey added area and "transferred area" has reference to any one of those areas.

Commencement of Part III of Act.

17. Save as otherwise provided therein and except so far as there may be anything in the subject-matter or context inconsistent therewith this Part of this Act shall come into operation on the appointed day.

Map.

18.—(1) Copies of the map certified by the clerk of the Council to be true shall be sent by him as soon as may be after the passing of this Act to—

(*a*) the Board of Inland Revenue;

(*b*) the Commissioners of Customs and Excise;

PART III —*cont.*

(*c*) the Registrar General;

(*d*) the Board of Trade;

(*e*) the Minister;

(*f*) the Minister of Health;

(*g*) the Minister of Transport and Civil Aviation;

(*h*) the Minister of Agriculture Fisheries and Food;

(*i*) the Minister of Fuel and Power;

(*j*) the Postmaster-General;

(*k*) the Boundary Commission for England; and

(*l*) the town clerk of the borough of Wandsworth.

(2) A copy of the map certified by the clerk of the Surrey Council to be true shall be sent by him as soon as may be after the passing of this Act to the town clerk of the municipal borough of Barnes.

(3) Copies of or extracts from the map certified by the clerk of the Council or by the clerk of the Surrey Council to be true shall be received in all courts of justice and elsewhere as prima facie evidence of the contents of the map so far as it relates to the boundary of any area altered by this Part of this Act.

(4) The copies of the map deposited with the clerk of the Council and with the clerk of the Surrey Council shall at all reasonable times be open to inspection by any person liable to any rate leviable within a transferred area and on payment of such reasonable fee as may be determined by the council with whose clerk the map was so deposited any such person shall be entitled to a copy of or extract from such map certified to be true by the clerk with whom it was so deposited.

(5) Any fees received under the last foregoing subsection shall be paid into the appropriate county fund.

Alteration of county boundary.

19.—(1) The London added areas shall be transferred to and form part of the county and the borough and parish of Wandsworth.

(2) The Surrey added area shall be transferred to and form part of the administrative county of Surrey and the municipal borough and parish of Barnes.

Electoral areas.

20.—(1) The London added areas shall form part of the Wandsworth (Putney) electoral division of the county.

(2) Subject to the provisions of any order made under section 25 of the Act of 1939 the London added areas shall form part of the Thamesfield Ward of the borough of Wandsworth.

Part III —cont.

(3) Subject to the provisions of any order made under section 11 of the Local Government Act 1933 and without prejudice to the operation of section 25 of that Act—

(a) so much of the Surrey added area as lies to the west of a line drawn along the centre of Leconfield Avenue and produced southward to the centre of Upper Richmond Road shall form part of the Barnes and Mortlake central electoral division of the administrative county of Surrey and the Palewell Ward of the municipal borough of Barnes; and

(b) so much of the said area as lies to the east of that line shall form part of the Barnes electoral division of the said administrative county and the Ranelagh Ward of the said municipal borough.

(4) In relation to the Wandsworth (Putney) parliamentary constituency so much of subsection (1) of section 59 of the Representation of the People Act 1948 as renders that constituency an electoral division of the county shall cease to have effect but if and when by virtue of an Order in Council made under the House of Commons (Redistribution of Seats) Act 1949 the contents of that constituency and of the Wandsworth (Putney) electoral division of the county become again the same that subsection shall again take effect (subject to modification under paragraph (b) of subsection (2) of section 3 of the last-mentioned Act).

Existing councillors etc.

21.—(1) Any person in office on the appointed day as councillor for an electoral area altered by this Part of this Act shall be deemed to have been elected for and to represent that electoral area as so altered and shall retire from office on the day on which he would have retired if this Act had not been passed.

(2) Where any casual vacancy exists on the sixteenth day of February nineteen hundred and fifty-seven or arises after that date but before the appointed day in the office of councillor for any such electoral area as aforesaid that vacancy shall be deemed to have arisen in the office of councillor for the electoral area as altered by this Part of this Act and for the purposes of any election to fill the vacancy (including the proceedings preliminary or relating thereto and the qualification of any person for such election) this Part of this Act shall be deemed to have come into operation on the first day of February nineteen hundred and fifty-six.

(3) Subject to the provisions of the next following subsection for the purpose of the determination of the qualification of any person on or after the appointed day to be elected or to be a member of any council committee sub-committee joint board or joint committee this Part of this Act shall be deemed to have come into operation on the first day of February nineteen hundred and fifty-six.

PART III —*cont.*

(4) No person who holds office immediately before the appointed day as a member of any council committee sub-committee joint board or joint committee shall be deemed for so long as he would have held that office if this Act had not been passed to lose his qualification for that office by reason of the passing of this Act.

Local government electors.

22.—(1) For the purposes of the preparation of any register of local government electors to be published in the year nineteen hundred and fifty-seven this Part of this Act shall be deemed to have come into operation on the passing of this Act.

(2) If the registers of local government electors are not so framed as to show the persons entitled to vote at any election for any electoral area as altered by this Part of this Act the registration officers appointed under the Representation of the People Act 1949 for the constituencies within which that area is situate shall make such alterations of the registers as may be necessary for the purpose of the election.

General modification of enactments.

23. Subject to the provisions of this Act—

(*a*) any enactment applying or extending only to the county or to the borough of Wandsworth shall apply and extend to the London added areas and shall cease to apply and extend to the Surrey added area: and

(*b*) any enactment applying or extending to the administrative county of Surrey or to the municipal borough of Barnes and not applying or extending to the county shall apply and extend to the Surrey added area as it extends and applies to the existing municipal borough of Barnes and shall cease to apply and extend to the London added areas;

and where under this Act any enactment ceases to apply or extend to any area subsection (2) of section 38 of the Interpretation Act 1889 shall apply in relation to that enactment as if it were an enactment in an Act of Parliament repealed so far as it applied or extended to that area.

Roads and bridges.

24.—(1) All classified roads within the meaning of the Act of 1929 in the Surrey added area shall become county roads and notwithstanding anything contained in any other enactment the Surrey Council shall be the highway authority in respect of such roads and the Act of 1929 shall have effect as if the Barnes Corporation had under section 32 thereof claimed to exercise the functions of maintenance and repair of such roads within the calendar year nineteen hundred and fifty-six.

PART III —cont.

(2) Subject to the provisions of the foregoing subsection so much of the land situate in the Surrey added area which by virtue of subsection (1) of section 21 (Improvement to form public street repair etc.) of the London County Council (General Powers) Act 1926 remained vested in the Council on the completion of the improvement therein referred to shall be transferred to and vest in the Surrey Council.

(3) The council of the administrative county to which any transferred area is transferred under this Part of this Act shall be liable to repair any bridge situate in that area which immediately before the appointed day was a county bridge within the meaning of the Act of 1929 and any liability of the council of the administrative county in which immediately before the appointed day the bridge was situate to repair the bridge shall cease:

Provided that nothing in this subsection shall prejudice or affect the operation of Part IV (Upper Richmond Road Improvement) of the said Act of 1926.

(4) References in this section to a road or a bridge shall be construed as including references to a part of a road or part of a bridge.

Sewers.

25.—(1) The Council the Wandsworth Council and the Barnes Corporation may enter into and carry into effect agreements for the vesting in any one of those authorities of any sewer or part of a sewer which before the appointed day was situate within any of the transferred areas and was vested in any of those councils.

(2) Subject to any agreement entered into under this section any sewer which immediately before the appointed day was situate in the Surrey added area and was vested in the Wandsworth Council shall vest in the Barnes Corporation and any sewer which immediately before the appointed day was situate in the London added areas and was vested in the Barnes Corporation shall vest in the Wandsworth Council.

(3) The Act of 1936 shall have effect in relation to the London added areas subject to the provisions of this section but save as aforesaid nothing in this section shall prejudice or affect the operation of Part II of that Act in relation to the said areas and any sewer which is vested in the Wandsworth Council under the foregoing provisions of this section shall be deemed to be a sewer within the meaning of Part II of that Act.

(4) Any sewer vested in the Barnes Corporation in pursuance of this section shall be deemed to be a public sewer.

PART III —*cont.*

(5) In this section except where the context otherwise requires "sewer" means any sewer or drain which immediately before the appointed day was—

(*a*) situate within the Surrey added area and was a sewer as defined in section 81 of the Act of 1936; or

(*b*) situate in the London added areas and was a public sewer as defined in section 20 of the Public Health Act 1936.

Housing.

26.—(1) All property situate in the Surrey added area which immediately before the appointed day was held by the Wandsworth Council for the purposes of the Housing Acts 1936 to 1952 and all duties rights and liabilities whether vested or contingent to which the Wandsworth Council were entitled or subject immediately before the appointed day by reason of the exercise in that area of any of their functions under the said Acts shall be transferred to the Barnes Corporation.

(2) Any property transferred to the Barnes Corporation under this section shall be deemed to be held by them for the purposes of the said Acts and any houses so transferred shall be deemed to have been provided by them in the exercise of their powers to provide housing accommodation.

(3) All duties rights and liabilities to which the Barnes Corporation may become entitled or subject under this section shall be deemed to be duties rights and liabilities to which they become entitled or subject by reason of the exercise of their functions under the Housing Acts 1936 to 1952.

(4) The liability for the repayment of so much of any moneys borrowed by the Wandsworth Council and used by them for the purpose of the exercise in the Surrey added area of any of their functions under the said Acts as is owing immediately before the appointed day and the liability to pay interest on such moneys accruing on or after that day shall be transferred to the Barnes Corporation.

(5) Any difference between the Wandsworth Council and the Barnes Corporation with respect to any liability to be transferred to the Barnes Corporation under the last foregoing subsection shall be referred to the arbitration of a single arbitrator agreed upon by those authorities or in default of agreement appointed by the Minister.

Town and country planning.

27.—(1) Where immediately before the appointed day a development plan affecting any land in a transferred area or any proposals affecting any such land for alterations of or additions to a development plan has or have been submitted to the Minister but has or have not been approved by him (with or without modifications) the like proceedings may be taken in respect thereof and with the like effect as if this Act had not been passed.

Part III —cont.

(2) Any development plan (including any amendment thereof) affecting any land in a transferred area which became operative before the appointed day or becomes operative thereafter consequent upon the taking of such proceedings as are referred to in the foregoing subsection shall so far as it affects such land continue in operation or become operative (as the case may be) as the development plan for that area:

Provided that for the purposes of subsection (1) of section 6 of the Act of 1947 any such development plan shall be deemed to have been approved by the Minister on the date on which the development plan or development plans for the remainder of the area of the local planning authority of which on the appointed day the transferred area forms part is or have been approved by the Minister.

(3) Any order agreement permission approval determination consent notice proceeding or decision made taken or given under the Act of 1947 (except Part II thereof) before the appointed day by a local planning authority for an area altered by this Act or having effect as if so made taken or given and in force immediately before the appointed day shall so far as it relates to any land in a transferred area have effect as if it had been made taken or given by the local planning authority for the area in which by virtue of this Part of this Act the land is situate.

(4) Any direction approval consent or decision given by the Minister or the Minister of Transport and Civil Aviation under the Act of 1947 (except Part II thereof) or any enactment thereby repealed affecting the local planning authority for an area altered by this Act and in force immediately before the appointed day shall so far as it relates to any land in a transferred area have the like effect in relation to the local planning authority for the area in which by virtue of this Part of this Act the land is situate.

(5) Any application for planning permission or for any consent or approval under the Act of 1947 or for a determination under section 17 of that Act made and not determined before the appointed day shall so far as it relates to any land in a transferred area be treated as a like application made on the appointed day to the authority to whom it should have been made if it had been made on that day:

Provided that it shall not be necessary for the authority last mentioned to consult with any authority person or body with whom consultation has already taken place in relation to that application.

(6) After the passing of this Act any of the councils for an area altered under this Act shall for the purposes of or in connection with the exercise by them of their functions under the Act of 1947 be entitled at all reasonable times to inspect and take copies of all plans or documents which are in the possession

or under the control of any other of the councils before that day for purposes of or in connection with the exercise by them of their functions under the Act of 1947 and which relate to any land in a transferred area which will on the appointed day form part of their area.

(7) An office copy of every entry in the registers kept respectively by the Council and the Surrey Council under section 14 of the Act of 1947 relating to land in a transferred area shall within one month after the appointed day be supplied by the clerks of each of those councils to the other and each of those clerks shall within one month of the receipt of the said copies enter the same with any necessary modifications in the register kept under the said section 14 by the council of whom he is the clerk.

Executive councils.

28.—(1) The Minister of Health may by order made before the appointed day make such provision as seems to him expedient for all or any of the following matters (that is to say) :—

(*a*) for providing that the name of any medical practitioner who immediately before the appointed day is providing general medical services in a transferred area under the National Health Service Act 1946 shall be included in the medical list of the executive council for the area of which on the appointed day such transferred area forms part ;

(*b*) for providing that the alteration of the boundaries of the administrative counties of London and Surrey authorised by this Part of this Act shall not affect any services under Part IV of the said Act of 1946 which have been commenced but not completed before the appointed day ;

(*c*) for providing for the transfer to the executive council for the area of which on the appointed day a transferred area forms part of any property rights or liabilities which relate exclusively to that transferred area and which immediately before the appointed day belonged to the executive council for the area of which that transferred area formed part immediately before that day ;

(*d*) for the making of financial adjustments between the executive councils for the areas of which immediately before the appointed day any transferred area formed part ;

(*e*) for providing that the executive council for an area of which immediately before the appointed day a transferred area formed part shall continue to act as the executive council for that transferred area until such

Part III —cont.

date as may be specified in the order not being later than the thirty-first day of December nineteen hundred and fifty-seven ; and

(f) for any supplementary or incidental matters.

(2) Any order made under this section may be revoked or varied by a subsequent order of the Minister of Health made before or after the appointed day.

(3) Subject to any order made under this section the persons who immediately before the appointed day were members of an executive council for an area of which a transferred area formed part shall be deemed to have been appointed as and shall be members of the executive council for that area as altered by this Part of this Act.

Transfer of duties under Children Act 1948.

29.—(1) Where on the appointed day any child is in the care of a local authority under section 1 of the Act of 1948 and when received into their care was ordinarily resident or (if he has been so received on more than one occasion) when last so received was ordinarily resident in a transferred area the local authority for the area of which on the appointed day such transferred area forms part may with the concurrence of such first-mentioned local authority take over the care of the child.

Any question arising under this subsection as to the ordinary residence of a child shall be determined as though it arose under subsection (4) of section 1 of the Act of 1948.

(2) Where the care of a child is taken over by a local authority under the foregoing subsection the provisions of the Act of 1948 shall apply as respects that child as though he were in the care of that authority under section 1 of the Act of 1948 and any resolution with respect to him passed under section 2 of the Act of 1948 by the local authority in whose care he was immediately before his care was taken over as aforesaid and still in force shall (as from the date on which his care is taken over) be deemed for the purposes of the Act of 1948 to have been passed by the local authority by whom his care was taken over.

(3) In relation to any such child as is referred to in subsection (1) of this section the local authority in whose care he is immediately before the appointed day may recover from the local authority by whom his care is or could be taken over in accordance with that subsection any expenses in respect of the child incurred under Part II of the Act of 1948 by them on or after the appointed day including any expenses so incurred after he has ceased to be a child and (if the care of the child is taken over under the said subsection) including also any travelling or other expenses incurred in connection with the taking over.

PART III —*cont.*

(4) In this section "the Act of 1948" means the Children Act 1948 and words and expressions used herein shall have the same respective meanings as they have for the purposes of that Act.

Recovery of expenses under National Assistance Act 1948.

30.—(1) Where on the appointed day any person is being provided with residential accommodation by a local authority under paragraph (*a*) of subsection (1) of section 21 of the National Assistance Act 1948 and such person was when the local authority commenced to provide that accommodation ordinarily resident in a transferred area which under this Part of this Act ceases to form part of the area of that authority any expenditure incurred by that authority on and after the appointed day in the provision of such accommodation for that person (including any expenditure incurred under subsection (7) of section 21 of the said Act of 1948 in respect of him) shall be recoverable from the local authority for the area of which on the appointed day such transferred area forms part.

Any question arising under this subsection as to the ordinary residence of a person shall be determined by the Minister of Health.

(2) Subsection (2) of section 32 of the said Act of 1948 shall apply for the purposes of this section as it applies for the purposes of paragraph (*a*) of subsection (1) of the said section 32.

(3) Words and expressions used in this section shall have the same respective meanings as they have for the purposes of Part III of the said Act of 1948.

Rating and valuation.

31.—(1) Until new valuation lists come into force the valuation lists for the borough of Wandsworth and the municipal borough of Barnes shall be amended by transferring thereto respectively the portions of the valuation lists which relate to hereditaments situated in the London added areas and the Surrey added area.

(2) References in any scheme in force on the appointed day under section 45 of the Local Government Act 1948 to any area altered by this Part of this Act shall be construed as a reference to that area as so altered.

(3) All rates not collected before the appointed day in respect of hereditaments within the transferred areas may be collected and recovered as if this Act had not been passed.

(4) Any direction for the rating of owners or the allowance of a discount in respect of rates in force immediately before the appointed day in respect of hereditaments in any area altered by this Part of this Act shall apply to hereditaments in that area as altered by this Part of this Act.

Part III —*cont.*

Administration of justice.

32.—(1) Paragraph (2) of section 40 of the Local Government Act 1888 shall have effect in relation to the county as altered by this Part of this Act as immediately before the appointed day it had effect in relation to the existing county and subject to the following provisions of this section the jurisdiction powers authorities rights privileges and duties of the sheriff quarter sessions clerk of the peace justices of the peace and coroners for the counties of London and Surrey shall extend and apply respectively to those counties as altered by this Part of this Act.

(2) Any reference to the boundary of the county of London in an Order in Council in force on the appointed day made under the Metropolitan Police Courts Act 1840 shall be deemed to be a reference to that boundary as altered by this Part of this Act.

(3) Without prejudice to the operation of section 18 of the Justices of the Peace Act 1949 the London added areas shall form part of the Wandsworth petty sessional division of the county of London and the Surrey added area shall form part of the Mortlake petty sessional division of the county of Surrey.

(4) Without prejudice to the operation of section 12 of the Coroners (Amendment) Act 1926 the London added areas shall form part of the western coroner's district of the county and the Surrey added area shall form part of the East Surrey coroner's district of the county of Surrey.

(5) The Surrey added area shall form part of the probation area which comprises the Mortlake petty sessional division of the county of Surrey and the London added areas shall cease to form part of that probation area.

(6) Evey person alleged to have committed an offence before the appointed day in a transferred area may if charged with that offence be tried and dealt with as if this Act had not been passed.

(7) Every proceeding which before the appointed day has been begun by or before any court justice or coroner in relation to any matter arising in or concerning a transferred area may be continued and completed in like manner and with the like incidents and consequences as nearly as may be as if this Act had not been passed.

(8) Nothing in this Part of this Act shall affect the operation of a probation order which was made or has effect as if made under section 3 of the Criminal Justice Act 1948 and which is in force immediately before the appointed day in respect of a probationer residing in a transferred area but the supervising court may amend the order under paragraph 2 of the First Schedule to that Act as if the probationer had changed his residence.

PART III —*cont.*

(9) In relation to any action proceeding or other matter or thing pending or existing at the appointed day which appertains to a transferred area section 28 of the Sheriffs Act 1887 shall have effect as if the term of office of the sheriff for the county of which immediately before the appointed day that area formed part expired immediately before that day and the incoming sheriff was the sheriff of the county of which on the appointed day that area forms part.

(10) For the purposes of summoning jurors and of jury service any area altered by this Part of this Act shall be deemed to continue in existence unaltered until new jurors' books come into force.

Local land charges.

33.—(1) In this section—

"registrar" means the proper officer of a local authority prescribed by rules made under the Land Charges Act 1925 to register local land charges;

"the London registrar" "the Surrey registrar" "the Wandsworth registrar" and "the Barnes registrar" mean respectively the proper officers as aforesaid of the Council the Surrey Council the Wandsworth Council and the Barnes Corporation;

"register" means a register in which local land charges are registered under the said Act of 1925 and in relation to any registrar means the register in which local land charges are so registered by him;

"planning charge" means a local land charge which is a planning charge for the purposes of such of the rules made under subsection (6) of section 15 of the said Act of 1925 as may be in force on the appointed day.

(2) Within fourteen days after the appointed day—

(*a*) the London registrar and the Wandsworth registrar shall respectively supply—

(i) to the Surrey registrar an office copy of every entry in their respective registers of any charge (other than a planning charge) relating to any land in the Surrey added area which on the appointed day will become a charge enforceable by the Surrey Council; and

(ii) to the Barnes registrar an office copy of every entry in their respective registers of other charges (including planning charges) relating to such land as aforesaid; and

(*b*) the Surrey registrar and the Barnes registrar shall respectively supply—

(i) to the London registrar an office copy of every entry in their respective registers of any planning

PART III —*cont.*

charge relating to any land in the London added areas and of any other charge relating to any such land which on the appointed day will become a charge enforceable by the Council;

(ii) to the Wandsworth registrar an office copy of every entry in their respective registers of other charges relating to such land as aforesaid.

(3) A registrar by whom an office copy is received under the last foregoing subsection shall within fourteen days after its receipt enter the particulars contained therein in the appropriate part of his register.

(4) Until all the entries required by this section have been made the following provisions shall have effect in relation to land in the transferred areas (that is to say):—

(*a*) Where application is made by any person for a personal search in a register the registrar shall forthwith give notice to the applicant that additional search should be made in the registers in which the personal search would have been made if this Act had not been passed;

(*b*) Where application is made for an official search in a register the registrar shall issue without further charge a certificate of search in that register and shall forward the application to the corresponding registrar together with the fees paid in respect thereof;

(*c*) Every registrar shall permit and make such searches and furnish such office copies and certificates as he would have been required to permit make and furnish and shall in relation thereto have the same powers and be subject to the same obligations as if this Act had not been passed.

For the purposes of this subsection in relation to the London registrar or the Surrey registrar the corresponding registrar shall be deemed to be the other of such registrars and in relation to the Wandsworth registrar or the Barnes registrar shall be deemed to be the other of such registrars.

(5) Any failure to supply any office copy of any entry under subsection (2) of this section or make any entry under subsection (3) of this section shall not render void or unenforceable any local land charge subsisting at the appointed day.

Licences certificates and permits.

34.—(1) Any licence certificate or permit granted by the Council the Surrey Council the Wandsworth Council or the Barnes Corporation to any person residing in or in respect of any property matter or thing within a transferred area and subsisting at the appointed day shall if it could have been granted by any other of such councils or corporation continue in force for the period for which it was granted as fully and effectively as if this Act had not been passed.

PART III —*cont.*

(2) Where immediately before the appointed day a provisional grant of a justices' licence or of an authority for the ordinary removal or the planning removal of a justices' licence has been made under section 10 section 27 or section 58 of the Licensing Act 1953 in respect of premises about to be constructed or in the course of construction in a transferred area such provisional grant shall be deemed to have been made by the licensing justices for the petty sessional division for the area of which on the appointed day such transferred area forms part:

Provided that where immediately before the appointed day the provisional grant of a justices' licence or of an authority for the ordinary removal awaits confirmation any order of confirmation in respect thereof shall be made as if this Part of this Act had not been enacted.

Saving for property rights etc.

35. Except as otherwise provided in this Part of this Act no alteration effected thereby in the area of any authority shall prejudice or affect—

(*a*) any right title interest or liability subsisting at the appointed day in or in respect of any property vested in that authority; or

(*b*) any contract deed bond agreement or other instrument entered into or made by that authority or their predecessors;

[illegible] shall prejudicially affect or prevent the continuance of any action cause of action or proceeding which immediately before the appointed day is pending or existing by or against the authority.

Saving for officers.

36. All officers and servants of the Council the Surrey Council the Wandsworth Council and the Barnes Corporation who hold office immediately before the appointed day shall continue in office and shall hold their office by the same tenure as before that day.

Other saving provisions.

37. Nothing in this Part of this Act shall—

(*a*) restrict any power under any other enactment of altering any of the areas or the constitution of any authority or committee;

(*b*) alter any constituency or the division thereof into polling districts;

(*c*) alter any district or sub-district for the purposes of the Marriage Act 1949 the Births and Deaths Registration Act 1953 and the Registration Service Act 1953;

(*d*) alter any ecclesiastical parish;

(*e*) affect the powers rights and duties of any authority or board in relation to the supply by them of electricity gas or water save to the extent that the London Gas

PART III —cont.

Undertakings (Regulations) Act 1939 and regulations made thereunder are modified by paragraph (a) of section 23 (General modification of enactments) of this Act;

(f) affect any charity or the right of any authority to appoint representatives on the body of trustees or other governing body of any charity;

(g) affect land tax.

PART IV

WOOLWICH SUBSIDENCES

Interpretation of Part IV of Act.

38. In this Part of this Act—

"the Act of 1950" means the London County Council (Woolwich Subsidences) Act 1950;

"the lands" means the lands in the borough of Woolwich delineated on the deposited plans and described in the deposited book of reference and thereon and therein numbered 1 to 155;

"remedial work" has the meaning assigned to it by subsection (5) of section 39 (Power to Council to carry out remedial work) of this Act;

and other expressions used in this Part of this Act to which meanings are assigned by the Act of 1950 have in this Part of this Act the same respective meanings.

Power to Council to carry out remedial work.

39.—(1) Subject to the provisions of this Part of this Act the Council may carry out works in under or upon any of the lands which in the opinion of the Council are desirable for the purpose of preventing subsidence or further subsidence occurring therein or thereunder or reducing the risk of subsidence or further subsidence occurring therein or thereunder.

(2) Without prejudice to the generality of the provisions of the foregoing subsection any such works as aforesaid may include the filling of underground workings and cavities in the subsoil of the lands and the sinking therein of shafts and boreholes.

(3) For the purpose of carrying out any works authorised by the foregoing provisions of this section the Council may subject to the provisions of this Act remove pull down or alter any building structure or work situate in under or upon the lands and may underpin or carry out such other works as may be necessary to preserve any such building structure or work from any damage or injury which may be caused by the carrying out of any such authorised works as aforesaid.

(4) Nothing in this section shall authorise the carrying out of any works which may be carried out under section 17 (Investigations by Council) of the Act of 1950.

PART IV —*cont.*

(5) Any work which the Council are authorised to carry out under this section is in this Part of this Act referred to as a "remedial work".

Amendment of section 17 of Act of 1950.

40. Section 17 (Investigations by Council) of the Act of 1950 shall have effect as if the purposes specified therein as purposes for which investigations may be carried out under subsection (1) of that section included the purpose of obtaining such information as it may be necessary or desirable for the Council to have before undertaking any remedial work.

As to works affecting premises.

41.—(1) The Council shall not carry out any remedial work which involves the removal or interference with any building or structure situate in any premises or the erection of any building or structure on or the interference with the surface of the land comprised within any premises unless at least twenty-eight days before the carrying out of such work they have served upon the owner and occupier of the premises a notice stating that they intend to carry out the work and indicating the nature of the work.

(2) Where any such remedial work as is referred to in the foregoing subsection has been carried out by the Council the Council may in whole or in part make good any damage to otherwise than with the owner of the premises) remove the whole or any part of any building structure or work existing above the surface of the earth which has been erected or constructed in the carrying out of any such remedial work as aforesaid.

As to works affecting streets.

42.—(1) For the purpose of carrying out any remedial work the Council may for such period as may be reasonably necessary stop up interfere with alter or divert all or any part of the carriageway or footway of any street situate upon the lands.

(2) The Council shall provide reasonable access for all persons bona fide going to or returning from any buildings or land in any street any part of the carriageway or footway of which is stopped up interfered with altered or diverted under this section.

(3) So far as may be necessary for the purpose of carrying out any remedial work the Council may remove or alter any street-refuges posts traffic-signs traffic-lights lamp-posts lavatories and other erections in upon or under any such streets as aforesaid.

(4) The Council shall reinstate and make good the footway or carriageway of any street stopped up interfered with altered or diverted under this section and shall replace or reinstate any street-refuge post traffic-sign traffic-light lamp-post lavatory or other erection removed or altered under this section.

Part IV —*cont.*

(5) Except in the case of an emergency (of which the Council shall be the sole judge) the powers of this section shall not be exercised except after consultation with the Woolwich Council.

(6) The stopping up under this section of all or any part of the carriageway or footway of any street shall not prejudice or affect the rights of access of the Metropolitan Water Board and the South Eastern Gas Board to any apparatus situate therein.

(7) Nothing in this section shall prejudice or affect the right of the Postmaster-General to maintain inspect repair or remove any telegraphic line belonging to or used by the Postmaster-General which immediately before the stopping up interference with alteration or diversion of any street or part of a street under the powers conferred by this section was in under upon along over or across such street or part of a street or to enter upon or break open any street or part of a street which shall have been so stopped up interfered with altered or diverted for the purpose of such maintenance inspection repair or removal.

Application of Public Utilities Street Works Act 1950.

43. In relation to any works executed in under or upon any street by the Council under this Part of this Act the Public Utilities Street Works Act 1950 shall have effect as though such works were executed for road purposes and mentioned in paragraph (*a*) of subsection (1) of section 21 of that Act.

Prohibition orders and closing orders.

44. The powers conferred by this Part of this Act may be exercised in relation to any premises or street notwithstanding that there is for the time being in force in respect of those premises or that street a prohibition order or a closing order.

Exercise of powers of entry.

45.—(1) Subject to the provisions of this section any person authorised by the Council in that behalf shall on producing if so required some duly authenticated document showing his authority have a right to enter any premises situate within the lands at all reasonable hours for the purpose of the performance by the Council of their functions under this Part of this Act:

Provided that (except in an emergency) admission to any premises not being a factory workshop or workplace shall not be demanded as of right unless twenty-four hours' notice of the intended entry has been given to the occupier.

(2) If it is shown to the satisfaction of a justice of the peace on sworn information in writing—

(*a*) that entry on to any premises is desired by the Council for the exercise of their functions under this Part of this Act; and

PART IV —*cont.*

(*b*) that admission to the premises has been refused or that refusal is apprehended or that the premises are unoccupied or the occupier is temporarily absent or that the case is one of urgency;

the justice may by warrant under his hand authorise the Council by any person authorised by them in that behalf to enter the premises if need be by force:

Provided that such a warrant shall not be issued unless the justice is satisfied either that notice of the intention to apply for a warrant has been given to the occupier or that the premises are unoccupied or that the occupier is temporarily absent or that the case is one of urgency.

(3) Any person entering any premises by virtue of this section or of a warrant issued thereunder may take with him such other persons as may be necessary to effect the entry and the purpose for which it is necessary.

(4) Where any unoccupied premises have been entered by virtue of a warrant granted under this section the Council shall be under a duty to secure that when they are left they are as effectually secured against trespassers as when they were entered.

(5) Every warrant granted under this section shall continue in force until the purpose for which the entry is necessary has been effected.

(6) If any person who in compliance with the provisions of this section or of a warrant issued thereunder is admitted to a factory workshop or workplace discloses to any person any information obtained by him in the factory workshop or workplace with regard to any manufacturing process or trade secret he shall unless such disclosure was made in the performance of his duty be liable on summary conviction to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months.

Penalty for obstruction.

46. A person who wilfully obstructs any person acting in the exercise of the powers conferred on the Council by this Part of this Act or in the execution of any warrant issued thereunder shall be liable on summary conviction to a fine not exceeding ten pounds and to a further fine not exceeding five pounds for each day on which the offence continues after conviction therefor.

Protection of works etc.

47.—(1) Any person who wilfully removes or interferes with any works or things erected executed or placed by the Council under this Part of this Act shall be guilty of an offence under this section.

(2) The Council may by notice prohibit persons from entering in or upon any works being executed under this Part of this Act or upon any land in upon or under which any such works are being executed or upon any land adjoining or adjacent to such land:

PART IV —cont.

Provided that the Council shall not under this subsection prohibit persons entering upon any land except where they consider that such prohibition is necessary for the protection of any works being executed under this Part of this Act on such land or upon any land adjoining or adjacent to such land or for the prevention of injury to persons arising during the course of the execution of the works.

(3) Any such notice as is referred to in the last foregoing subsection shall state the effect of the next following subsection specifying the date before which an appeal may be brought thereunder against the notice and shall be conspicuously posted on or in proximity to the works or land to which it relates and if any person contravenes a notice so posted he shall be guilty of an offence under this section.

(4) Any person aggrieved by any such notice as is referred to in subsection (2) of this section may within seven days of the posting of the notice appeal to a magistrates' court against the notice.

(5) Any such appeal shall be by way of complaint for an order and the Magistrates' Courts Act 1952 shall apply accordingly and for the purposes of this section the making of such a complaint shall be deemed to be the bringing of the appeal.

(6) On an appeal under this section the court may either dismiss the appeal or by order direct that the notice shall not apply to such land as may be specified in the order and in the last-mentioned case the notice shall cease to apply to the land so specified.

(7) Where an appeal is brought under this section nothing in subsection (2) or subsection (3) of this section shall prohibit the person by whom the appeal is brought or any person acting with his authority from entering upon the land to which the appeal relates until the appeal is finally determined abandoned or withdrawn.

(8) Every person guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding ten pounds.

(9) Nothing in this section or any notice given by the Council thereunder shall affect the rights of the Metropolitan Water Board or the South Eastern Gas Board with respect to any apparatus of those boards (including the placing of apparatus) in under over or upon any such land as is referred to in this section.

Compensation in respect of works.

48.—(1) Subject to the provisions of this section the Council shall make compensation for any damage to property occasioned by them in carrying out any remedial work and any dispute as to the amount of the compensation to be paid under this section shall be determined by the Lands Tribunal and section 5 of the

PART IV —*cont.*

Act of 1919 in its application to proceedings before the Lands Tribunal under this section shall have effect as if the references therein to the acquiring authority were references to the Council.

(2) Where any compensation is claimed from the Council under this section and the claim is or includes a claim in respect of damage to property due to subsidence and it appears to the Lands Tribunal that notwithstanding that the subsidence was occasioned by the execution of any remedial work the existence of underground workings or other cavities in the subsoil (not being workings or cavities resulting from any operations carried out by the Council) was the main cause or a substantial contributory cause of the subsidence the Lands Tribunal—

(*a*) shall in assessing such compensation have regard to the likelihood of damage being caused to that property by any subsidence which may or would have occurred if the remedial work or any other remedial work had not been carried out; and

(*b*) shall in accordance with the provisions of the next following subsection make such abatement in the amount of the compensation which (having regard to the provisions of the foregoing paragraph) it would otherwise have awarded as appears to the Lands Tribunal to be equitable in the circumstances of the case.

(3) In determining whether or not to make any such abatement as is referred to in paragraph (*b*) of the last foregoing subsection and in determining the amount of such abatement the Lands Tribunal shall have regard to all the circumstances of the case and in particular shall have regard to—

(*a*) the information with respect to the state of the subsoil and the nature and position of any underground workings or other cavities therein which was in the possession of the Council before the remedial work was commenced or could reasonably have been obtained by them before such commencement; and

(*b*) the nature of the precautions taken by the Council to avoid subsidence where it was or should have been apparent from such information as aforesaid that in the carrying out of the remedial work there was risk of subsidence being occasioned thereby.

(4) Where any compensation is claimed from the Council under this section in respect of any damage the Lands Tribunal shall in determining the dispute have regard to the extent to which such damage has been made good by the Council but (without prejudice to the provisions of the last two foregoing subsections) shall disregard any alteration in the value of any estate or interest in land which may have resulted from the purposes referred to in subsection (1) of section 39 (Power to

PART IV —cont.

Council to carry out remedial work) of this Act having been wholly or partially effected by the carrying out of such remedial work.

Extension of section 8 of Act of 1950.

49. Section 8 (Disclosure of information by Council and as to planning permissions) of the Act of 1950 shall have effect as if the duty of the Council under subsection (2) thereof to disclose information with respect to any premises included a duty to give information as to the nature of any remedial work which has been or is being carried out for the purpose of preventing subsidence or further subsidence occurring in the premises or reducing the risk of subsidence or further subsidence occurring therein.

Exclusion of areas from Act of 1950.

50.—(1) The Act of 1950 shall cease to apply to any land which does not form part of the lands and shall accordingly have effect as if the outer limits did not include any area which does not comprise any part of the lands.

(2) Where after the carrying out of any remedial work the Council are satisfied that the continuance in force of the Act of 1950 with respect to any area is no longer necessary the Council may by order declare that on and from such date as may be specified in the order the Act of 1950 shall cease to apply to that area.

(3) An order made under the last foregoing subsection shall define by reference to a map the area in respect of which it is made (hereinafter in this section referred to as " the excluded area ") and a copy of the order and map shall be deposited with the clerk of the Council and the town clerk of the borough of Woolwich and shall be available for inspection by any person interested at all reasonable hours without charge.

(4) As soon as may be after the order has been made the Council—

(*a*) shall cause to be published in one or more newspapers circulating within the borough of Woolwich a notice describing the excluded area and stating that copies of the order and map have been deposited and are available for inspection as aforesaid; and

(*b*) shall serve a copy of the notice upon every owner and occupier of premises within the excluded area.

(5) On and from such date as is referred to in subsection (2) of this section—

(*a*) the Act of 1950 shall have effect as if the excluded area did not form part of the inner limits or the outer area as the case may be;

PART IV —*cont.*

(*b*) any prohibition order or closing order applying to any premises or street within the excluded area shall cease to have effect so far as it applies to any such premises or street;

(*c*) any order made under section 20 (Extension of provisions to additional areas) of the Act of 1950 applying to any area wholly or partly within the excluded area shall cease to have effect so far as it applies to any area within the excluded area.

(6) Section 21 (Acts and omissions of Council not to imply warranty of safety of premises etc.) of the Act of 1950 shall apply in relation to the making of an order under this section as it applies to the making of orders referred to in that section.

Power of Woolwich Council to make contributions.

51.—(1) The Woolwich Council may make such contributions as may from time to time be agreed between them and the Council towards any expenses incurred by the Council under this Part of this Act.

(2) The Woolwich Council may borrow for the purposes of making any such contributions.

Miscellaneous amendments of Act of 1950.

52.—(1) The following subsection shall be substituted for subsection (4) of section 3 (Prohibition orders) of the Act of 1950 (that is to say):—

"(4) Subject to the provisions of subsection (2) of section 14 (Appeals) of this Act a prohibition order shall come into operation on the date specified in the order as the date upon which in the absence of any appeal against the order it will come into operation:

Provided that if an appeal is brought against the order under section 14 (Appeals) of this Act the order shall be of no effect pending the final determination abandonment or withdrawal of the appeal."

(2) Section 7 (Effect of closing orders) of the Act of 1950 shall have effect as if in paragraph (ii) of the proviso to subsection (1) thereof for the word "determined" there were substituted the words "finally determined abandoned or withdrawn".

(3) Where a county court has confirmed a prohibition order (whether with or without modifications) the court may on the application of the Council by order authorise the Council (subject to such restrictions and limitations as may be determined by the court) to exercise in relation to the premises any of the powers conferred on the Council by section 16 (Power to Council to execute works etc. for protection from danger etc.) of the Act of 1950 (otherwise than by subsection (2) thereof) until the prohibition order comes into operation in like manner as if those premises were prohibited premises and the said section 16 shall have effect accordingly.

PART IV —cont.

(4) The said section 16 shall have effect as if in subsection (1) thereof there were inserted after the words "any prohibited premises" where they secondly occur the words "or (with the consent of the owner and occupier thereof) any other premises in respect of which a prohibition order has been made".

For protection of British Transport Commission.

53. The following provisions of this section shall unless otherwise agreed in writing between the Council and the commission have effect for the protection of the commission:—

(1) In this section—

"the commission's premises" means so much as is for the time being owned by the commission of the premises described in Part II of the schedule to the Act of 1950 as follows:—

"(v) Public service vehicle garage offices and adjoining land of the commission abutting upon King's Highway and Wickham Lane;"

and includes any part of such premises;

"the roads" means any part of Alliance Road or of Villacourt Road in which there is any trolley vehicle apparatus of the commission:

(2) In the exercise of the powers conferred by this Act the Council shall not without the previous consent in writing of the commission—

(*a*) enter upon or carry out any remedial work in under or upon the commission's premises; or

(*b*) remove or alter any trolley vehicle apparatus of the commission; or

(*c*) prohibit persons from entering upon the commission's premises:

(3) In giving any consent for the purposes of this section the commission may impose reasonable conditions as to the manner in which and the times at which any powers to which the consent relates may be exercised:

(4) If the Council serve notice on the commission that they intend to do any such thing or carry out any such work as is referred to in subsection (2) of this section and requesting the consent of the commission thereto within twenty-eight days of the service of such notice and the commission do not within that period serve notice on the Council intimating whether or not they consent to the doing of such thing or the carrying out of such work they shall be deemed to have consented thereto unconditionally:

PART IV —*cont.*

(5) A consent of the commission under this section shall not be unreasonably withheld and any question whether any such consent is unreasonably withheld or as to the reasonableness of any condition imposed by the commission under subsection (3) of this section shall be determined by the Minister of Transport and Civil Aviation:

(6) Where the said Minister determines that a consent under this section is unreasonably withheld such consent shall be deemed to have been given by the commission upon such conditions if any as the said Minister may determine:

(7) Notwithstanding anything in this section the consent of the commission shall not be required to any exercise by the Council of the powers conferred by paragraph (*a*) of subsection (2) of section 17 (Investigations by Council) of the Act of 1950:

(8) Before exercising any power conferred by this Act to stop up interfere with alter or divert the roads the Council shall (except in a case of emergency) give to the commission twenty-eight days' notice of their intention so to do:

(9) The Council shall pay to the commission all additional costs charges and expenses reasonably incurred by the commission as a result of the discontinuance interruption or alteration of the working of trolley vehicles along the roads rendered necessary by the stopping up thereof or interference therewith or alteration or diversion thereof under this Act the amount of such additional costs charges and expenses to be determined (in default of agreement between the Council and the commission) by arbitration:

(10) Subsections (2) and (3) of section 48 (Compensation in respect of works) of this Act shall apply in relation to the last foregoing subsection as they apply in relation to subsection (1) of that section as if—

(*a*) any discontinuance interruption or alteration of the working of trolley vehicles rendered necessary as aforesaid was damage caused to property of the commission and the additional costs charges and expenses claimed by them to have been reasonably incurred by them as a result thereof was the compensation claimed by them in respect of such damage; and

(*b*) the reference in the said subsections (2) and (3) to the Lands Tribunal were references to the arbitrator:

Part IV —cont.

(11) In any arbitration under the last but one foregoing subsection the reference shall be to a single arbitrator to be agreed upon between the Council and the commission or (in default of agreement) to be appointed on the application of either of them (after notice in writing to the other) by the President of the Institution of Civil Engineers.

For protection of Metropolitan Water Board.

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

(1) For the purposes of this section " cavity " includes any underground working shaft and borehole:

(2) The Council shall take all reasonable steps to ensure that in the exercise of the powers of this Part of this Act—

(*a*) no material is used to fill any cavity in the subsoil; or

(*b*) no water is used for conveying any material into any such cavity;

which is likely to impair the quality of any underground water:

(3) The Council shall not use in any part of the lands any material or water for the purposes aforesaid unless they give the board at least twenty-eight days' notice in writing of their intention so to do and such notice contains a description of the material or of the quality of the water (as the case may be) and of the part of the lands in which the material or water will be used:

(4) If within twenty-eight days after the service of a notice under the last foregoing paragraph the board serve notice in writing on the Council that they do not agree to the use for the purposes aforesaid in the part of the lands described in the first-mentioned notice (or in any portion thereof) of the material described or of water of the quality described in such first-mentioned notice the Council shall not so use such material or water unless in the opinion of the arbitrator appointed as hereinafter in this section provided it can be so used without being likely to impair the quality of any underground water:

(5) The Council shall within six months after the completion of any remedial work which includes the sinking of any shaft or borehole in the subsoil of the lands fill in and seal such shaft or borehole:

PART IV —*cont.*

(6) Any difference which may arise between the Council and the board 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 a single arbitrator to be agreed between the parties or in default of such agreement appointed on the application of either party (after notice in writing to the other of them) by the Minister.

For protection of certain statutory undertakers.

55. For the protection of the Metropolitan Water Board and the South Eastern Gas Board (each of whom is in this section referred to as " the undertakers ") the following provisions shall unless otherwise agreed in writing between the Council and the undertakers concerned apply and have effect:—

(1) In this section—

" apparatus " means any apparatus belonging to the undertakers or for the maintenance of which they are responsible (not being in either case apparatus in respect of which the relations between the Council and the undertakers are regulated by the provisions of Part II of the Public Utilities Street Works Act 1950) and includes any structure for the lodging therein of such apparatus;

" adequate alternative apparatus " in relation to any apparatus which is or is to be removed means such alternative apparatus as may reasonably be necessary to enable the undertakers to maintain the supply or service for which the apparatus was used immediately before its removal:

(2) No apparatus shall be removed in the exercise of the powers of this Act until adequate alternative apparatus shall have been constructed and be in operation to the reasonable satisfaction of the undertakers:

(3) If the Council for the purpose of executing any remedial work require the removal of any apparatus and shall give to the undertakers written notice of such requirement stating in such notice the nature of the remedial work and the place at which it will be carried out and the position suggested for adequate alternative apparatus and shall furnish to the undertakers a plan and section of the position suggested for adequate alternative apparatus or if in consequence of the exercise of any of the powers of this Part of this Act the undertakers shall reasonably require to remove any apparatus the undertakers shall use their best endeavours to obtain such facilities and rights as may be necessary in order that the alternative apparatus may be constructed and shall (after the grant to them of any such facilities

PART IV —*cont.*

and rights) proceed with all reasonable dispatch to construct and bring into operation the alternative apparatus and thereafter to remove the apparatus required by the Council to be removed:

(4) (*a*) Not less than twenty-eight days before commencing to execute any remedial work which is likely to affect any apparatus the removal of which has not been required by the Council under paragraph (3) of this section the Council shall serve notice on the undertakers stating the nature of the remedial work and the place at which it will be carried out;

(*b*) Such work shall be executed in accordance with such reasonable requirements as may be made by the undertakers for the protection of the apparatus and for securing access thereto and the undertakers shall be entitled by their officer to watch and inspect the execution of such work:

Provided that if the undertakers within fourteen days after service of such notice as aforesaid shall in consequence of the work to which the notice relates reasonably require the removal of any apparatus and give written notice to the Council of such requirement the foregoing provisions of this section shall apply and have effect as if the removal of such apparatus had been required by the Council under paragraph (3) thereof;

(*c*) The Council shall not be required to comply with subparagraph (*a*) of this paragraph in a case of emergency but in such a case they shall as soon as reasonably practicable serve on the undertakers a notice stating the nature of the remedial work and the place at which it is being or will be carried out and shall comply with subparagraph (*b*) of this paragraph so far as reasonably practicable in the circumstances:

(5) The Council shall pay to the undertakers the costs charges and expenses reasonably incurred by the undertakers in the inspection removal alteration or protection of any apparatus or the construction of any new apparatus which may reasonably be required in view of the intended execution of any remedial work in respect of which the Council have served notice under paragraph (3) of this section or in respect of the execution of which they are required to serve notice under the last foregoing paragraph of this section less the value of any apparatus removed in pursuance of the provisions of this section (such value being calculated after removal):

PART IV —*cont.*

(6) The Council shall make compensation to the undertakers—

(*a*) for any damage which may be caused to any apparatus (other than apparatus the repair of which is not reasonably necessary in view of its intended removal in accordance with the provisions of this section); and

(*b*) for any other expenses loss damages penalty or costs (not arising from the act or default of the undertakers their contractors or their agents or any person in the employ of any of them) which may be occasioned to the undertakers;

by reason or in consequence of the exercise by the Council of the powers of this Part of this Act and for which the Council are not required to make payment under the last foregoing paragraph of this section:

(7) Subsections (2) and (3) of section 48 (Compensation in respect of works) of this Act shall apply in relation to paragraph (6) of this section as they apply in relation to subsection (1) of that section as if—

(*a*) any such damage and any such expenses loss damages penalty or costs as are referred to in the said paragraph (6) was damage caused to property of the undertakers; and

(*b*) the references in the said subsections (2) and (3) to the Lands Tribunal were references to the arbitrator appointed as hereinafter in this section provided:

(8) Subsection (1) of the said section 48 shall not apply to any apparatus:

(9) 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 a single arbitrator to be agreed between the parties or in default of such agreement 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.

PART V

EXTENSIONS OF TIME

Extension of time for compulsory purchase of lands.

56. The period limited by the London County Council (General Powers) Act 1953 for the exercise by the Council of powers for the compulsory purchase of lands—

(*a*) in the city of Westminster and the borough of Lambeth for the purposes of paragraph (*a*) of subsection (1) of

PART V —*cont.*

section 5 (Power to Council to take lands) of the London County Council (General Powers) Act 1939; and

(*b*) in the city of Westminster the royal borough of Kensington and the borough of Holborn for the purposes of subsection (1) of section 5 (Power to take lands) of the London County Council (General Powers) Act 1948;

is hereby further extended until the first day of October nineteen hundred and fifty-nine.

Power to owners and lessees to give notice as to purchase of land.

57.—(1) Notwithstanding anything in the last foregoing section if at any time before the first day of January nineteen hundred and fifty-nine the owner or lessee of any land to which that section relates gives to the Council notice in writing requiring them forthwith to decide whether or not they will proceed with the purchase of his estate or interest in any such land which is specified in the notice the powers referred to in the said section shall not extend so as to enable the Council to purchase compulsorily the estate or interest of such owner or lessee in the land so specified or in any part of such land in pursuance of a notice to treat served later than six months after the receipt by the Council of the first-mentioned notice.

(2) If the Council give notification in writing to the owner or lessee of any land being land to which the last foregoing section relates and which is specified in the notification that they do not intend to proceed with the purchase of the estate or interest of such owner or lessee in the land so specified the powers referred to in that section so far as they authorise the compulsory purchase of such estate or interest shall cease forthwith.

Extension of time for completion of works.

58. The period limited by the London County Council (General Powers) Act 1951 for the completion of the works in the boroughs of Wandsworth Poplar and Greenwich described in Part III of the London County Council (Tunnel and Improvements) Act 1938 is hereby further extended until the first day of October nineteen hundred and sixty-one.

PART VI

MISCELLANEOUS

Power to Council to stop up part of footpath.

59. The Council may stop up and cause to be discontinued as a footpath so much of the existing footpath partly in the municipal borough of Barking and partly in the borough of Woolwich as is shown upon the deposited plans as proposed to be stopped up and on such stopping up all rights of way over or along the said part of the footpath shall be extinguished.

PART VI —*cont.*

Superannuation of certain probation officers justices' clerks etc.

60.—(1) The amount of any benefit payable from the superannuation and provident fund established by the Council under Part IV (Superannuation etc.) of the London Council (General Powers) Act 1891 to or in respect of any person referred to in—

(*a*) paragraph (*b*) of article 1 of the Probation Officers (Superannuation) Order 1948 ; or

(*b*) sub-paragraph (2) of paragraph 3 of the Superannuation (Justices' Clerks and Assistants) (London) Order 1953 ;

which (apart from this section) would be determined by reference to the annual average of his salary or wages and emoluments (if any) during his last five years of contribution to the said fund shall instead of being so determined be determined by reference to the annual average of his salary or wages and emoluments (if any) of his service during the period of three years ending with the last day of his service.

(2) This section shall be deemed to have come into operation on the first day of May nineteen hundred and fifty-four but shall not apply to any benefit payable to or in respect of any person whose last day of service occurred before that date.

Deletion of references to "continued" fever in Act of 1936.

61. In the definitions of " notifiable infectious disease " and " dangerous infectious disease " contained in subsection (1) of section 304 of the Act of 1936 the word " continued " shall cease to have effect.

Amendment of London Building Acts (Amendment) Act 1939.

62. The London Building Acts (Amendment) Act 1939 shall have effect subject to the following amendments (namely) :—

(*a*) At the end of section 83 (Service of building notices) there shall be added the following paragraph :—

" A building structure or work shall be deemed to have been suspended if during the period mentioned in paragraph (*b*) of this section no substantial work has been carried out to the building structure or work " ;

(*b*) After subsection (4) of section 84 (Contents of building notices information as to cost &c.) there shall be added the following new subsection :—

" (4A) For the purposes of this section where an addition alteration or other work as therein mentioned has been suspended it shall be deemed to have been completed if the circumstances are such that the service of a building notice under the last preceding section would be required before any further work could be carried out in connection with such addition alteration or other work " ;

PART VI —*cont.*

(c) At the end of section 94 (Accrual of fees) there shall be added the following new subsection:—

"(3) For the purposes of paragraph (*b*) of subsection (1) of this section where any work as therein mentioned has been suspended within the meaning of section 83 of this Act it shall be deemed to have been completed."

Byelaws as to artificial lighting of common staircases.

63.—(1) In this section—

"flat" has the same meaning as is assigned thereto by section 188 of the Housing Act 1936;

"staircase" includes any landing used in connection therewith;

"tenement house" means a house which is let in lodgings or is occupied by members of more than one family.

(2) A borough council may make byelaws with respect to tenement houses and flats for the adequate artificial lighting of any common staircase in such premises.

(3) A borough council may at all reasonable times and on giving twenty-four hours' notice of their intention to the occupier and to the owner if the owner is known enter any premises for the purposes of ascertaining whether they constitute a tenement house or flat and (if so) whether the provisions of any byelaws made under this section have been complied with.

(4) This section shall be construed as one with the Act of 1936.

Transfer of Grove Lane Nursery.

64.—(1) In this section "the Grove Lane Nursery" means the land shown by pink colour on the plan signed in triplicate by Sir Roger Conant Baronet the chairman of the committee of the House of Commons to whom the Bill for this Act was referred one copy of which has been deposited in the Parliament Office House of Lords one copy in the Private Bill Office of the House of Commons and one copy with the town clerk of the borough of Camberwell.

(2) The Camberwell Council may (on such terms and conditions as may be agreed) transfer to the Board of Governors of the Bethlem Royal Hospital and the Maudsley Hospital their estates rights and interests in or over the Grove Lane Nursery and upon such transfer the said board shall hold such estates rights and interests free from any trust to allow the use of the said nursery by the public as an open space but nothing in this subsection shall prejudice or affect any right or interest which any person may have in or over the nursery otherwise than as a member of the public.

(3) On such transfer as aforesaid the London Squares and Enclosures (Preservation) Act 1906 and the London Squares Preservation Act 1931 shall cease to apply to the Grove Lane Nursery.

PART VI —*cont.*

Income from investments etc. of certain superannuation funds.

65. As from the date when the first valuation under the Local Government Superannuation Act 1937 falls to be made of a superannuation fund maintained under Part I of that Act by a borough council to which immediately before that date section 105 (Income from investments &c. of superannuation fund) of the London County Council (General Powers) Act 1937 applied that section shall continue in force and have effect in relation to that borough council as if—

(*a*) the references therein to the superannuation fund were references to the superannuation fund maintained by the borough council under Part I of the Local Government Superannuation Act 1937; and

(*b*) the reference therein to section 19 (Investment of surplus income) of the Shoreditch and other Metropolitan Borough Councils (Superannuation) Act 1922 was a reference to subsection (3) of section 21 of the Local Government Superannuation Act 1937 as that subsection has effect in relation to the management by the borough council of the superannuation fund maintained by them as aforesaid.

PART VII

SUPPLEMENTAL

Saving for town and country planning.

66. This Act shall be deemed to be an enactment passed before and in force at the passing of the Act of 1947 for the purposes of subsection (4) of section 13 and subsection (1) of section 118 of that Act.

Costs of Act.

67.—(1) All costs and expenses of the Council in the execution of this Act shall be defrayed as payments for general or special county purposes within the meaning of the Act of 1939 as the Council may decide.

(2) So much of the costs charges and expenses preliminary to and of and incidental to the preparing applying for and obtaining of this Act as may be incurred in respect of or in connection with the provisions contained in—

(i) Part III (Alteration of boundaries);

(ii) section 64 (Transfer of Grove Lane Nursery); and

(iii) section 65 (Income from investments etc. of certain superannuation funds);

shall unless otherwise agreed be paid as regards (i) by the Council the Surrey Council the Wandsworth Council and the Barnes Corporation in equal shares as regards (ii) by the Camberwell Council and as regards (iii) by the councils of the boroughs of Shoreditch Bermondsey Finsbury Greenwich Hammersmith Southwark and Stoke Newington in equal shares.

Table of Statutes referred to in this Act

Short title	Session and chapter
Metropolitan Police Courts Act 1840	3 & 4 Vict. c. 84.
Lands Clauses Consolidation Act 1845 ...	8 & 9 Vict. c. 18.
Charing Cross Railway Act 1859	22 & 23 Vict. c. lxxxi.
Disused Burial Grounds Act 1884	47 & 48 Vict. c. 72.
Sheriffs Act 1887	50 & 51 Vict. c. 55.
Local Government Act 1888	51 & 52 Vict. c. 41.
Interpretation Act 1889	52 & 53 Vict. c. 63.
London Council (General Powers) Act 1891 ...	54 & 55 Vict. c. ccvi.
London Squares and Enclosures (Preservation) Act 1906	6 Edw. 7 c. clxxxvii.
Acquisition of Land (Assessment of Compensation) Act 1919	9 & 10 Geo. 5 c. 57.
Shoreditch and other Metropolitan Borough Councils (Superannuation) Act 1922 ...	12 & 13 Geo. 5 c. xc.
Land Charges Act 1925	15 & 16 Geo. 5 c. 22.
Coroners (Amendment) Act 1926	16 & 17 Geo. 5 c. 59.
London County Council (General Powers) Act 1926	16 & 17 Geo. 5 c. xcviii.
Local Government Act 1929	19 & 20 Geo. 5 c. 17.
London Squares Preservation Act 1931 ...	21 & 22 Geo. 5 c. xciii.
Local Government Act 1933	23 & 24 Geo. 5 c. 51.
Public Health Act 1936	26 Geo. 5 & 1 Edw. 8 c. 49.
Public Health (London) Act 1936	26 Geo. 5 & 1 Edw. 8 c. 50.
Housing Act 1936	26 Geo. 5 & 1 Edw. 8 c. 51.
Local Government Superannuation Act 1937...	1 Edw. 8 & 1 Geo. 6 c. 68.
London County Council (General Powers) Act 1937	1 Edw. 8 & 1 Geo. 6 c. xci.
London County Council (Tunnel and Improvements) Act 1938	1 & 2 Geo. 6 c. lxxxi.
London Government Act 1939	2 & 3 Geo. 6 c. 40.
London Building Acts (Amendment) Act 1939	2 & 3 Geo. 6 c. xcvii.
London Gas Undertakings (Regulations) Act 1939	2 & 3 Geo. 6 c. xcix.
London County Council (General Powers) Act 1939	2 & 3 Geo. 6 c. c.
National Health Service Act 1946	9 & 10 Geo. 6 c. 81.
Town and Country Planning Act 1947 ...	10 & 11 Geo. 6 c. 51.
Local Government Act 1948	11 & 12 Geo. 6 c. 26.
National Assistance Act 1948	11 & 12 Geo. 6 c. 29.
Children Act 1948	11 & 12 Geo. 6 c. 43.
Criminal Justice Act 1948	11 & 12 Geo. 6 c. 58.
Representation of the People Act 1948 ...	11 & 12 Geo. 6 c. 65.
London County Council (General Powers) Act 1948	11 & 12 Geo. 6 c. liii.
House of Commons (Redistribution of Seats) Act 1949	12 13 & 14 Geo. 6 c. 66.
Representation of the People Act 1949 ...	12 13 & 14 Geo. 6 c. 68.
Marriage Act 1949	12 13 & 14 Geo. 6 c. 76.
Justices of the Peace Act 1949	12 13 & 14 Geo. 6 c. 101.
Public Utilities Street Works Act 1950 ...	14 Geo. 6 c. 39.
London County Council (Woolwich Subsidences) Act 1950	14 Geo. 6 c. xxxix.
London County Council (General Powers) Act 1951	14 & 15 Geo. 6 c. xli.

Short title	Session and chapter
Magistrates' Courts Act 1952	15 & 16 Geo. 6 & 1 Eliz. 2 c. 55.
Births and Deaths Registration Act 1953 ...	1 & 2 Eliz. 2 c. 20.
Registration Service Act 1953	1 & 2 Eliz. 2 c. 37.
Licensing Act 1953	1 & 2 Eliz. 2 c. 46.
London County Council (General Powers) Act 1953	1 & 2 Eliz. 2 c. xliii.

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Rugby Corporation Act, 1956

4 & 5 ELIZ. 2 **Ch. lxxviii**

ARRANGEMENT OF SECTIONS

SCHEDULES:

First Schedule—Provisions of the Third Schedule to the Water Act 1945 incorporated.

Second Schedule.

Third Schedule—Sections of Public Health Act 1936 applied.

CHAPTER lxxviii

An Act to empower the mayor aldermen and burgesses of the borough of Rugby to continue and maintain waterworks and works for delivering water into the Oxford Canal of the British Transport Commission and to acquire lands to enact provisions for the protection from pollution of the waters in the Cosford Feeder of the Oxford Canal and in the river Swift and for other purposes. [2nd August 1956.]

WHEREAS—

(1) The borough of Rugby (in this Act referred to as "the borough") in the county of Warwick is a municipal borough under the government of the mayor aldermen and burgesses of the borough acting by the council (in this Act referred to as "the Corporation"):

(2) The Corporation are the owners of a water undertaking and are supplying water within the borough and in bulk to the Rugby and Southam rural district councils:

(3) Under powers conferred on them by the Rugby Urban District Council Act 1923 the Corporation constructed a spare water main under the Oxford Canal at Brownsover:

(4) Owing to the greatly increased demands for water particularly for industrial purposes during the late war the Corporation were by two instruments dated respectively the twenty-ninth day of June and the twenty-ninth day of July one thousand nine hundred and forty-two and made by the Minister of Health under regulation 50 of the Defence (General) Regulations 1939 authorised to construct certain works for the abstraction of water from the Cosford Feeder of the Oxford Canal (in this Act referred to

as " the Cosford Feeder ") to abstract water from the Cosford Feeder for the purposes of the Corporation's water undertaking during the months of April to October in each year up to a maximum of one million gallons a day to construct a line of pipes from the Cosford Feeder to the said spare water main under the Oxford Canal so as to convey the water taken from the Cosford Feeder to the Brownsover Reservoir of the Corporation to construct an intake and pumping station on the river Avon at the Corporation's sewage disposal works to abstract water from the said river up to a maximum of one million gallons a day to construct a line of pipes from the said pumping station to the said Oxford Canal east of the Newbold tunnel and to discharge river water or sewage effluent or a mixture of river water and sewage effluent into the said Oxford Canal:

(5) By an agreement dated the ninth day of December one thousand nine hundred and forty-two and made between the Oxford Canal Company (in this preamble referred to as " the company ") which was reincorporated by the Oxford Canal Act 1829 of the one part and the Corporation of the other part the company agreed to the construction by the Corporation of the works authorised by the said two instruments dated the twenty-ninth day of June and the twenty-ninth day of July one thousand nine hundred and forty-two so far as such works were to be situate on the lands of the company and the Corporation were entitled to abstract water from the Cosford Feeder and were required to deliver into the said Oxford Canal by way of compensation for the water abstracted from the Cosford Feeder certain supplies of water or sewage effluent or a mixture of water and sewage effluent pursuant to the powers conferred on the Corporation by the said two instruments and the Corporation were also required to make certain annual payments to the company as mentioned in the said agreement:

(6) By virtue of the Supplies and Services (Transitional Powers) Act 1945 (as extended by the Supplies and Services (Extended Purposes) Act 1947 and the Supplies and Services (Defence Purposes) Act 1951) and the Supplies and Services (Continuance) Orders 1952 1953 1954 and 1955 the said two instruments are still in force but unless the said Supplies and Services (Transitional Powers) Act 1945 is continued in force by Order in Council the said two instruments will expire on the tenth day of December next:

(7) By the Transport Act 1947 the undertaking property rights obligations and liabilities of the company were transferred to and vested in the British Transport Commission:

(8) The demands made upon the Corporation for the supply of water have increased and are increasing and it is expedient that the Corporation should be empowered to continue and

Power to acquire lands.

4.—(1) Subject to the provisions of this Act the Corporation may enter upon take and use such of the lands delineated on and included within the limits of land to be acquired marked on the deposited plans and described in the deposited book of reference as may be required for the purposes of the works which the Corporation are authorised by this Act to continue and maintain.

(2) The power of the Corporation 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-six.

Correction of errors in deposited plan and book of reference.

5.—(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 Corporation 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 of Warwick 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 of the administrative county of Warwick and a copy thereof shall be deposited with the town 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 Corporation to take the land and continue and maintain the works 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.

Power to acquire easements only in certain cases.

6.—(1) In lieu of acquiring any land that may be acquired under this Act the Corporation may acquire such easements or rights as they may require for the purposes of continuing maintaining and using Works Nos. 3 and 5 authorised by this Act or any part or parts of such works in under or over that land without being obliged or compellable to acquire any greater interest in under or over the same.

(2) Accordingly the Corporation may give notice to treat in respect of any such easements or rights 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) Where the Corporation have acquired an easement or right only in land under this section—

(*a*) they shall not be required or (except by agreement or during the execution of works) entitled to fence off or sever the said land from the adjoining land ;

(*b*) the owner or occupier of the land for the time being shall subject to the easement or right have the same right to use the land as if this Act had not been passed.

Disregard of recent improvements and interests.

7. 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—

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

(*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.

Power to continue and maintain works.

8. Subject to the provisions of this Act the Corporation may in the lines and situations shown on the deposited plans and according to the levels shown on the deposited sections continue and maintain the works in the borough hereinafter described the construction of which was authorised by two instruments dated respectively the twenty-ninth day of June and the twenty-ninth day of July one thousand nine hundred and forty-two and made by the Minister of Health under regulation 50 of the Defence (General) Regulations 1939:—

Work No. 1 An intake bay on the eastern side of the Cosford Feeder situate 30 yards to the north of the junction of the Cosford Feeder with the Oxford Canal ;

Work No. 2 A line of pipes commencing in the intake bay Work No. 1 authorised by this Act and terminating in the Brownsover Reservoir of the Corporation ;

Work No. 3 An overflow chamber and pipe on the western side of the Cosford Feeder the chamber being situate 4 yards to the north-west of the junction of the Cosford Feeder with the Oxford Canal and the pipeline terminating in the Oxford Canal ;

Work No. 4 An intake and pumping station on the southern bank of the river Avon at Newbold at a point 117 yards to the west of the easternmost corner of the enclosure numbered 76A in the borough on the 1/2500 ordnance map Warwickshire sheet XXVIII.2 (revision of 1939) ;

Work No. 5 A line of pipes commencing in the intake and pumping station Work No. 4 authorised by this Act and terminating in the Oxford Canal at a point 55 yards to the east from the north-western corner of enclosure numbered 237 in the parish of Newbold on Avon (now in the borough) on the 1/2500 ordnance map Warwickshire sheet XXIII.14 (edition of 1925).

Subsidiary works.

9. The Corporation may in on or over (*a*) any land for the time being held by them in connection with any of the works which the Corporation are by this Act authorised to continue and maintain (*b*) any land in under or over which the Corporation have the necessary easements and rights and (*c*) any public roads in which any of the said works are constructed construct lay or erect and maintain such sluices tanks aqueducts culverts mains pipes valves pumps and machinery buildings and things for the purposes of the said works or in connection therewith:

Provided that any electrical works or apparatus constructed erected laid down or maintained under the provisions of this section shall be so constructed erected or laid down and so maintained and used 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.

Power to take water from Cosford Feeder.

10. Subject to the provisions of this Act the Corporation may by means of the intake bay Work No. 1 authorised by this Act take use divert and appropriate for the purposes of the water undertaking the waters of the Cosford Feeder not exceeding one million gallons in any one day.

Power to take water from river Avon for Oxford Canal.

11. Subject to the provisions of this Act—

(1) the Corporation may by means of the intake and pumping station Work No. 4 authorised by this Act take use divert and deliver into the Oxford Canal by means of the line of pipes Work No. 5 authorised by this Act the waters of the river Avon not exceeding one million gallons in any one day;

(2) the Corporation may also convey by means of the line of pipes Work No. 5 authorised by this Act sewage effluent or a mixture of river water and sewage effluent and deliver the same into the Oxford Canal;

(3) subject to the provisions of sub-clause (iii) of clause 7 of the scheduled agreement the Corporation shall in fulfilling their obligations under sub-clause (i) of the said clause 7 so far as is reasonably practicable deliver into the Oxford Canal water from the river Avon and if there is insufficient water in the river Avon to enable the Corporation to comply with their said

obligations the Corporation shall deliver into the Oxford Canal such quantity of sewage effluent as is necessary to make up the deficiency of river water.

Works to form part of water undertaking.

12. The works authorised by this Act to be continued and maintained by the Corporation shall for all purposes be deemed to form part of the water undertaking.

For protection of British Transport Commission.

13. Nothing contained in this Act shall authorise the Corporation to acquire any lands of the commission or maintain or construct works on lands of the commission otherwise than by agreement with the commission.

For protection of Severn River Board.

14. For the protection of the Severn River Board (in this section referred to as "the river board") the following provisions shall unless otherwise agreed in writing between the Corporation and the river board apply and have effect:—

(1) The Corporation shall (notwithstanding anything contained in this Act) not deliver nor shall the commission receive from the Corporation into the Oxford Canal a greater quantity of river water or sewage effluent or a mixture of river water and sewage effluent than one million two hundred and forty-eight thousand gallons per day:

(2) (*a*) For the purpose of measuring (i) the quantities of water abstracted from the Cosford Feeder (ii) the quantity of sewage effluent delivered into the Oxford Canal and (iii) the total quantity of river water sewage effluent or a mixture of river water and sewage effluent delivered into the said Oxford Canal the Corporation shall subject to their obligations to the commission under clause 8 of the scheduled agreement maintain proper and suitable meters or gauges as may be agreed with the river board (including such automatic recorders as may be reasonably required) through or over which the quantities of water so abstracted or sewage effluent river water or a mixture of river water and sewage effluent so delivered (as the case may be) shall pass;

(*b*) The said meters or gauges and automatic recorders and the records obtained by means thereof shall be open at all reasonable times to the inspection and examination of the river board or their duly accredited representatives and the river board or their representatives may if they so desire take copies of any such records and on or before the seventh day of every month the Corporation shall send to the river board a statement of the quantities of water abstracted by the Corporation from the said feeder and the river Avon and of the quantity of sewage effluent delivered

into the said canal on every day of the preceding month and of the hours on every such day during which such water was taken ;

(*c*) In case of any neglect on the part of the Corporation to maintain the said meters or gauges and automatic recorders or any of them in a state of efficiency or in case of any other neglect by or in consequence of which water shall be abstracted or sewage effluent delivered by the Corporation in contravention of the provisions of this Act the Corporation shall for every day on which such neglect occurs forfeit and pay to the river board (who may sue for and recover the same) a sum not exceeding ten pounds and shall in addition make compensation for any loss or injury sustained by any person injuriously affected thereby:

(3) The Corporation shall not without the consent of the river board which may be given subject to such reasonable terms and conditions as they think fit construct any works pursuant to section 9 (Subsidiary works) of this Act which may affect any main river (as defined in the Land Drainage Act 1930) of the river board:

Provided that any consent under this subsection shall not be unreasonably withheld:

(4) The Corporation shall at all reasonable times afford to the engineer of the river board or his duly authorised representative access to the works referred to in the last foregoing subsection for the purpose of inspection:

(5) Any difference which may arise between the Corporation and the river board under (i) subsection (2) of this section with respect to the sufficiency of any meter gauge or automatic recorder or with respect to whether any automatic recorder is required or with respect to the use of any such meter gauge or automatic recorder or the state of repair or condition thereof (ii) subsection (3) of this section as to whether or not any consent is unreasonably withheld or as to the reasonableness of any terms and conditions imposed by the river board in giving any such consent or (iii) subsection (4) of this section as to the access of the engineer of the river board to the works shall be referred to a single arbitrator to be appointed by agreement between the Corporation and the river board or in default of agreement by the President of the Institution of Civil Engineers on the application of either party after notice in writing to the other and subject as aforesaid the provisions of the Arbitration Act 1950 shall apply to such arbitration.

For protection of Coventry Corporation.

15. For the protection of the lord mayor aldermen and citizens of the city of Coventry (in this section referred to as " the Coventry Corporation ") as the owners of an intake (hereinafter referred to as " the Ryton intake ") on the left bank of the river Avon in the parish of Ryton-upon-Dunsmore in the rural district of Rugby in the county of Warwick authorised by the Coventry Corporation Act 1940 the following provisions shall unless otherwise agreed in writing between the Corporation and the Coventry Corporation apply and have effect during such time as the Coventry Corporation have statutory powers to abstract water from the river Avon by means of the Ryton intake:—

(1) Except in the case of emergency the Coventry Corporation shall give to the Corporation seven days' notice in writing of their intention to abstract water or to cease to abstract as the case may be at the Ryton intake and in cases of emergency the Coventry Corporation shall give notice to the Corporation of the taking or cessation of taking water as soon as possible:

(2) If at any time during which the daily flow of water in the river Avon immediately upstream of the Ryton intake is less than eight million gallons the Coventry Corporation are abstracting water from the said river by means of the Ryton intake—

(i) the Corporation shall (notwithstanding anything contained in this Act) not deliver nor shall the commission receive from the Corporation into the Oxford Canal a greater quantity of river water or sewage effluent or a mixture of river water and sewage effluent than fifty-two thousand gallons per hour;

(ii) on every day on which the total quantity of river water or sewage effluent or a mixture of river water and sewage effluent delivered by the Corporation into the Oxford Canal exceeds the quantity of water taken by them from the Cosford Feeder on the previous day the Corporation shall include in such first-mentioned quantity a quantity of sewage effluent equivalent at least to the amount by which the total quantity so delivered into the Oxford Canal on that day exceeds the quantity of water taken by them from the Cosford Feeder during the previous day:

(3) The Corporation shall at all times keep records of the daily quantities recorded by the measuring appliances which they are to provide and maintain in accordance with the provisions of clause 8 of the scheduled agreement and shall afford to the Coventry Corporation reasonable facilities for inspection of the said measuring appliances and records and for taking copies or extracts of such records:

(4) The Corporation shall be deemed to be persons interested in the flow of the river Avon for the purposes of subsection (2) of section 11 (As to meters gauges etc.) of the Coventry Corporation Act 1940 and shall be entitled to take copies of the records of the flow of the river Avon which are required to be maintained by the Coventry Corporation under section 16 (As to limitation of abstraction of water from river Avon) of the Coventry Corporation Act 1942.

Confirmation of agreement with British Transport Commission.

16. The scheduled agreement subject to the omission of subclause (ii) of clause 7 thereof is hereby confirmed and made binding upon the parties thereto 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 secretary of the commission and the town clerk.

Offensive matter not to be discharged into river Swift or Cosford Feeder.

17.—(1) If any person shall knowingly and wilfully discharge throw put or cause or suffer to fall into or enter (*a*) the river Swift or its tributaries above the sluice gates which are situate in the parishes of Churchover and Monks Kirby in the rural district of Rugby in the county of Warwick at the junction of the river Swift and the Cosford Feeder to the west of the village of Churchover or (*b*) the Cosford Feeder or its tributaries any offensive matter whether solid or liquid or any rubbish earth mud ashes dirt soil or refuse of any description so as either singly or in combination with other similar acts of the same or any other person to interfere with the due flow of the water or to pollute the water he shall for every such offence be liable on summary conviction to a penalty not exceeding twenty pounds and to a daily penalty not exceeding five pounds.

(2) Nothing in this section shall prejudice or interfere with any of the powers or obligations of the Severn River Board under the provisions of the Rivers (Prevention of Pollution) Act 1951 or any byelaw made under that Act.

Power to borrow.

18.—(1) Subject to the provisions of this Act the Corporation 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 the sum or sums requisite for the payment of the costs charges and expenses of this Act and they shall repay all moneys so borrowed within such period as the Corporation may determine not exceeding five years from the date or dates of borrowing.

(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 Corporation 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.

Service of notices to treat.

19. A notice to treat given by the Corporation under section 18 of the Lands Clauses Consolidation Act 1845 as incorporated with this Act may (without prejudice to any other mode of service) be given by post by sending it in a registered letter addressed to the person to whom it is to be given at his usual or last known address or in the case of an incorporated company or body to the secretary or clerk of the company or body at its registered or principal office.

Restriction on right to prosecute.

20. Proceedings in respect of an offence created by section 17 (Offensive matter not to be discharged into river Swift or Cosford Feeder) of this Act shall not without the written consent of the Attorney-General be taken by any person other than the Corporation the commission or the Severn River Board.

Protection of members and officers of Corporation from personal liability.

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

Application of provisions of Public Health Act 1936.

22. The sections of the Public Health Act 1936 mentioned in the Third Schedule to this Act shall have effect as if references therein to that Act included a reference to this Act.

Saving for town and country planning.

23. 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 that Act.

Costs of Act.

24. 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 (including the Corporation's costs of the preparation and completion of the scheduled agreement) as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation out of the general rate fund or out of moneys to be borrowed under this Act for that purpose.

SCHEDULES

FIRST SCHEDULE

PROVISIONS OF THE THIRD SCHEDULE TO THE WATER ACT 1945 INCORPORATED

Provisions incorporated	Modifications
Section 8 (Persons under disability may grant easements etc.).	
Section 9 (Extinction of private rights of way).	
Part IV (Minerals Underlying Waterworks).	In section 12 for subsection (1) there shall be substituted the following:— (1) The undertakers shall keep a copy of the deposited plans and sections referred to in the Rugby Corporation Act 1956 at the town clerk's office and such copy shall be the map referred to in subsection (2) of this section and in the other sections contained in this Part of this Schedule.
Section 22 (Power to break open streets etc.).	For the words " mains service pipes " down to the words " removing mains " there shall be substituted the words " Works Nos. 2 and 5 authorised by the Rugby Corporation Act 1956 ".
Section 27 (Remedies where undertakers fail to comply with foregoing requirements).	
Section 28 (Application of Part VI to verges and streets and highways not maintainable at the public expense).	
Part XIV (Pollution of Water by Manufacture etc. of Gas).	
Section 92 (Liability of undertakers to pay compensation).	
Section 94 (Copies of special Act to be kept by undertakers in their office and deposited with certain officers).	

SECOND SCHEDULE

THIS AGREEMENT is made the thirtieth day of November One thousand nine hundred and fifty-five Between the BRITISH TRANSPORT COMMISSION (hereinafter referred to as "the Commission") of the one part and the MAYOR ALDERMEN AND BURGESSES OF THE BOROUGH OF RUGBY (hereinafter referred to as "the Corporation") of the other part

WHEREAS:

(1) The Corporation are the undertakers for the supply of water in the borough of Rugby under the provisions of the Rugby Waterworks Act 1863 the Rugby Water and Improvement Act 1901 and the Rugby Urban District Council Act 1923 and further powers were conferred on the Corporation by the Rugby Corporation Act 1933:

(2) Under powers conferred on them by the said Rugby Urban District Council Act 1923 the Corporation constructed a fifteen-inch spare water main under the Oxford Canal at Brownsover:

(3) By two Instruments dated respectively the Twenty-ninth day of June and the Twenty-ninth day of July One thousand nine hundred and forty-two and made by the Minister of Health under regulation 50 of the Defence (General) Regulations 1939 the Corporation were authorised to construct certain works for the abstraction of water from the Cosford Feeder as hereinafter defined of the Oxford Canal to abstract water from the Cosford Feeder subject to the limitations therein mentioned to convey such water by a line of pipes authorised by the said Instrument dated the Twenty-ninth day of June One thousand nine hundred and forty-two to be connected to the said spare water main under the Oxford Canal to the Brownsover mill pond reservoir of the Corporation (hereinafter referred to as "the Brownsover Reservoir") to construct an intake and pumping station on the river Avon near the point at which the effluent from the sewage disposal works of the Corporation is discharged into that river to abstract water from the said river and to discharge such water or sewage effluent or a mixture of water and sewage effluent into the said Oxford Canal east of the Newbold tunnel for the purpose of maintaining the water level of that canal:

(4) By an Agreement dated the Ninth day of December One thousand nine hundred and forty-two and made between the Oxford Canal Company which was reincorporated by the Oxford Canal Act 1829 (hereinafter referred to as "the Company") of the one part and the Corporation of the other part the Company agreed to the construction by the Corporation of the works authorised by the said two Instruments dated the Twenty-ninth day of June and the Twenty-ninth day of July One thousand nine hundred and forty-two and the Corporation were required to maintain in good and efficient working order the said works and the said spare water main during the continuance of that Agreement and were entitled to abstract water subject as aforesaid from the Cosford Feeder and to discharge it into the Brownsover Reservoir and in addition to certain annual payments to be made by the Corporation to the Company the Corporation were required in return for the rights therein granted by the Company to deliver into the said Oxford

Canal by way of compensation for the water abstracted from the Cosford Feeder certain supplies of water or sewage effluent or a mixture of water and sewage effluent:

(5) By virtue of the Supplies and Services (Transitional Powers) Act 1945 (as extended by the Supplies and Services (Extended Purposes) Act 1947 and the Supplies and Services (Defence Purposes) Act 1951) and the Supplies and Services (Continuance) Orders 1952 1953 and 1954 the said two Instruments are still in force but unless the said Supplies and Services (Transitional Powers) Act 1945 is continued by Order in Council the said Instruments will expire on the Tenth day of December next:

(6) By the Transport Act 1947 the undertaking property rights obligations and liabilities of the Company were transferred to and vested in the Commission:

(7) The Corporation require particularly during the summer months the additional supplies of water obtained from the Cosford Feeder for use for domestic and trade purposes within the limits of supply of the Corporation:

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

1. In this Agreement the following expressions shall have the following meanings respectively assigned to them unless the context otherwise requires:—

"Cosford pipeline" means the line of water pipes situate between the intake bay described in paragraph 1 of the schedule and the Brownsover Reservoir and shown by the letters "A" "E" and "F" on the plan;

"Brownsover Reservoir" means the Brownsover mill pond reservoir as hereinbefore defined the situation of which is shown on the plan;

"Canal" means the Oxford Canal of the Commission;

"Canal spillways" means the spillways on the Newbold arm of the Canal and on that portion of the Canal which is situate between the Newbold arm and the Hillmorton Locks;

"Cosford Feeder" means the feeder shown coloured blue on the plan;

"day" means the period of twenty-four hours reckoned from nine o'clock in the morning;

"Engineer" means an engineer to be appointed by the Commission;

"Newbold pipeline" means the line of water pipes situate at Newbold in the borough of Rugby commencing at the intake and pumping station described in paragraph 4 of the schedule and terminating in the Canal to the east of Green's Bridge Newbold-on-Avon;

"plan" means the plan headed "Rugby Corporation Bill 1956" and signed in duplicate by Cyril Saywood on behalf of the Commission and Sidney George Fox on behalf of the Corporation;

"schedule" means the schedule to this Agreement.

2ND SCH. —*cont.*

Agreement conditional.

2. This Agreement except clause 14 is subject to and conditional upon the coming into force of the Act the Bill for which is mentioned in the said clause 14.

Grant by Commission to Corporation of easements and rights.

3. The Commission shall without payment (except as provided by clause 10 hereof) grant to the Corporation for the period of this Agreement the easements and rights of maintaining repairing renewing replacing inspecting and using so much of the works described in paragraphs 1 and 3 of the schedule and of the Newbold pipeline as are situate in or affect the lands and works of the Commission and the right of entry at all reasonable times for the Corporation and their servants and agents upon any land of the Commission on or in which any part of the said works of the Corporation is situate and to carry out all necessary repairs renewals replacements and inspection of the said works.

Maintenance of works by Corporation.

4. The Corporation shall at all times during the continuance of this Agreement maintain the works described in the schedule to the reasonable satisfaction in all respects of the Engineer and in such condition as to prevent any loss of water from the Cosford Feeder through or by reason of the said works otherwise than by the abstraction specifically authorised by this Agreement.

Maintenance of works by Commission.

5. The Commission shall at their own expense maintain—

(i) the Cosford Feeder and its banks in a watertight condition so far as it is reasonably practicable ;

(ii) stop planks across the Cosford Feeder at the point where the Cosford Feeder joins the Canal so designed as—

(*a*) to prevent as far as it is reasonably practicable the passage of water from the Canal into the Cosford Feeder or (unless the water level of the Cosford Feeder is higher than four inches above the level of the cill of the intake bay referred to in paragraph 1 of the schedule) from the Cosford Feeder into the Canal ; and

(*b*) to be capable of being opened sufficiently to allow the Commission's boats to pass from the Canal into the Cosford Feeder and vice versa for the purpose of the maintenance and repair of the Cosford Feeder ; and

(iii) the level of the cills of the canal spillways.

Power to take water.

6. (i) Subject to the provisions of sub-clause (ii) of this clause and of paragraph (ii) of clause 9 of this Agreement the Corporation shall be entitled to take water not exceeding one million gallons in any one day from the Cosford Feeder and to convey it by means of the Cosford pipeline.

(ii) In the event of any loss of water from the Cosford Feeder through or by reason of the said intake described in paragraph 1 of the schedule or the Cosford pipeline (otherwise than for the abstractions of water authorised by this Agreement) the Corporation shall unless and until they have carried out the necessary repairs so as to prevent any loss of water only be entitled to take such water from the Cosford Feeder which if not so taken by the Corporation would cause an overflow over the Canal spillways or any of them.

2ND SCH. —*cont.*

Delivery of water into Canal.

7. (i) Subject to the provisions of this clause during the day following the day on which any water is taken by the Corporation from the Cosford Feeder under clause 6 of this Agreement the Corporation shall by means of the intake and pumping station on the river Avon described in paragraph 4 of the schedule and the Newbold pipeline deliver into the Canal to the east of the said Green's Bridge in the approximate position marked "C" on the plan the same quantity of river water or sewage effluent or a mixture of river water and sewage effluent.

(ii) In fulfilling their obligations under sub-clause (i) of this clause the Corporation so far as is reasonably practicable shall deliver into the Canal water from the river Avon and shall only deliver sewage effluent or a mixture of river water and sewage effluent when there is an insufficient quantity of river water available to comply with such obligations.

(iii) The Commission may by reasonable notice to the Corporation vary the obligations imposed upon the Corporation by this clause as regards the day or days on which the said river water sewage effluent or a mixture of river water and sewage effluent is to be delivered into the Canal but not so as to require the delivery by the Corporation at a greater rate than—

(*a*) in any circumstance fifty-two thousand gallons in any one hour or one million two hundred and forty-eight thousand gallons in any one day of which not less than two hundred and forty-eight thousand gallons shall be sewage effluent; or

(*b*) on any day during which no sewage effluent is being discharged into the Canal one million gallons in any one day; or

(*c*) on any day during which sewage effluent is being discharged into the Canal at a lower rate than two hundred and forty-eight thousand gallons a day one million gallons in any one day together with the addition of a quantity equivalent to the quantity of such sewage effluent so discharged.

(iv) The obligations imposed on the Corporation by sub-clause (i) of this clause shall not apply on any day on which water is taken from the Cosford Feeder when the water in the Canal flows over the Canal spillways or any of them.

Measuring appliances.

8. (i) The Corporation shall provide and maintain to the reasonable satisfaction of the Engineer suitable measuring appliances at (*a*) the termination of the Cosford pipeline at the Brownsover Reservoir and (*b*) at the said intake and pumping station described in paragraph 4 of the schedule and the Corporation shall at intervals of not less than once in every year check the accuracy of the measuring appliances and shall at all times during the period of this Agreement be responsible for keeping them accurate and in good repair.

(ii) The Corporation shall afford to the Commission reasonable facilities for inspection of the said measuring appliances.

Standard of effluent.

9. (i) In this clause—

"effluent" means the liquid discharged or proposed to be discharged by the Corporation from the works described in paragraph 4 of the schedule into the Canal; and

2ND SCH. —*cont.*

"prescribed standard" means the standard prescribed in paragraph 22 of the Eighth Report of the Royal Commission on Sewage Disposal or such higher standard as may from time to time be lawfully prescribed by the Severn River Board.

(ii) The Corporation shall take samples of the effluent once a month and after having had the same analysed by a qualified analyst shall send a copy of each such analysis to the Engineer.

(iii) The Commission shall be entitled at any time to test the purity of the effluent and the Commission shall as soon as possible send to the Corporation a copy of each analysis of the effluent obtained or made by the Commission.

(iv) If the average purity of three consecutive samples of the effluent taken by the Commission under sub-clause (iii) of this clause over a period not exceeding twenty-one days (any two of such samples may be taken not more frequently than once on each of two consecutive days) is below the prescribed standard the Corporation shall be restricted from taking water under clause 6 of this Agreement and shall only be entitled to take such water from the Cosford Feeder whilst there is an overflow on the Canal spillways or any of them and the restriction contained in this sub-clause shall continue in operation until the effluent conforms with the prescribed standard by the average of the analyses of three further samples of the effluent obtained by the Corporation not more frequently than once a day and not less frequently than once in any seven consecutive days.

(v) The cost of analysing samples of effluent taken by the Commission under sub-clauses (iii) and (iv) of this clause shall be paid for by the Commission.

Payments by the Corporation.

10.—(1) Subject to the provisions of this clause the Corporation shall pay to the Commission on the First day of January One thousand nine hundred and fifty-seven and each subsequent first day of January (*a*) the sum of eight hundred pounds if no water has been taken by the Corporation under this Agreement (i) in the case of the first payment during the period between the passing of the Act the Bill for which is mentioned in clause 14 of this Agreement and the said First day of January One thousand nine hundred and fifty-seven or (ii) in the case of any payments subsequent to the first payment during the preceding twelve months or (*b*) the sum of one thousand six hundred pounds if water has been taken by the Corporation under this Agreement during the said period or the preceding twelve months as the case may be.

(2) If during the whole of the said period or of the twelve months in question the Corporation by reason of the provisions contained in sub-clause (iv) of clause 7 of this Agreement shall have been under no obligation to deliver river water or sewage effluent or a mixture of river water and sewage effluent into the Canal under sub-clause (i) of that clause the Corporation shall pay the sum of one thousand two hundred pounds instead of the sum of one thousand six hundred pounds.

(3) If during the continuance of this Agreement there shall be any increase or decrease in the minimum hourly wage rate of the labourer as agreed nationally by the National Joint Council for the Inland

2ND SCH. —*cont.*

Waterways Industry above or below one hundred and thirty-three shillings and tenpence per week of forty-four hours the payments to be made by the Corporation under sub-clauses (1) and (2) of this clause following the increase or decrease in the said minimum hourly wage rate shall be increased or decreased by the same proportion as the proportion of any such increase or decrease in the said minimum hourly wage rate with effect from the date of such increase or decrease.

(4) No payment shall be made by the Corporation under this clause if there shall have been insufficient water in the Cosford Feeder for a continuous period of six months within the twelve months immediately preceding the first day of January on which the payment would otherwise be due under this clause so as to prevent the Corporation from being able to take a supply of water by means of the works described in paragraph 1 of the schedule.

Removal of works on termination of Agreement.

11. On the termination of this Agreement the Corporation shall disconnect forthwith the works described in paragraphs 1 and 3 of the schedule and shall restore the Cosford Feeder as far as reasonably practicable to the state in which it was before the construction of the said works and the Commission may require the Corporation to remove any part of the said works described in paragraphs 1 and 3 of the schedule and of the Newbold pipeline as is situate in lands of the Commission.

Compensation and indemnity.

12. The Corporation shall from time to time make good to the reasonable satisfaction of the Engineer any damage caused by the Corporation or their servants or agents in the exercise of the easements and rights under this Agreement and shall indemnify the Commission from all claims costs and expenses in respect of any failure on the part of the Corporation or their servants or agents to perform the obligations imposed on the Corporation under this Agreement.

Cancellation of Agreement of 1942.

13. The hereinbefore recited Agreement dated the Ninth day of December One thousand nine hundred and forty-two shall be determined without notice by either party thereto on the coming into operation of this Agreement on the passing of the Act the Bill for which is mentioned in the immediately next succeeding clause.

Promotion of Bill.

14. (i) The Corporation shall promote in Parliament in the present session a Bill for the purpose of carrying this Agreement into effect and for empowering the Corporation to continue and maintain repair renew replace and use the works described in the schedule to take water from the Cosford Feeder to take water from the river Avon and to discharge river water or sewage effluent or a mixture of river water and sewage effluent into the Canal east of the said Green's Bridge near to the said point "C" on the plan and for the granting to the Corporation of the easements and rights mentioned in clause 3 of this Agreement.

(ii) This Agreement shall be scheduled to and confirmed by the Bill referred to in sub-clause (i) of this clause.

(iii) The Commission shall assist the Corporation in promoting and in the passing of such Bill through Parliament and for such purposes shall supply the Corporation with all such information

2ND SCH. —*cont.*

particulars and evidence in the possession of the Commission as the Corporation may reasonably require and the Commission shall provide for the attendance of such of their officers as shall at the request of the Corporation attend to give evidence before any Select Committee of either House of Parliament before which the Bill may be heard.

Duration of Agreement.

15. This Agreement shall continue in force for a period of thirty years from the date of the Royal Assent to the Act the Bill for which is referred to in the last preceding clause PROVIDED that the Corporation or the Commission may by not less than seven years' notice in writing determine this Agreement at any time.

Agreement to be null and void in certain events.

16. (i) If the condition referred to in clause 2 of this Agreement is 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.

(ii) 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 during the passage of the 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 and expenses or otherwise.

Stamp duty.

17. The Commission and the Corporation shall each pay one-half of the aggregate stamp duty payable in respect of this Agreement and a duplicate thereof.

Arbitration.

18. If any difference shall arise between the Commission and the Corporation 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 Institution of Civil Engineers and save as aforesaid the provisions of the Arbitration Act 1950 shall apply to such reference and determination.

IN WITNESS whereof the Commission and the Corporation have caused their respective common and corporate seals to be hereunto affixed the day and year first above written.

THE SCHEDULE above referred to

WORKS IN THE BOROUGH OF RUGBY

1. An intake bay on the eastern side of the Cosford Feeder situate thirty yards or thereabouts to the north of the junction of the Cosford Feeder and the Canal in the approximate position marked "A" on the plan with a cill at the same level as the crest of the spillways in the communicating pound of the Canal.

2. The Cosford pipeline.

3. Apparatus including an automatic overflow valve to discharge automatically water up to a maximum of four million gallons per day from the Cosford Feeder into the Canal in the approximate

position marked "B" on the plan should the water level in the Cosford Feeder rise more than four inches above the level of the cill of the intake bay described in paragraph 1 of this schedule.

4. The intake and pumping station on the southern bank of the river Avon at Newbold near the point at which effluent from the sewage disposal works of the Corporation is discharged into that river.

5. The Newbold pipeline.

THE COMMON SEAL of the British Transport Commission was hereunto affixed in the presence of

RUSHOLME
Member

S. B. TAYLOR
Chief Secretary

THE CORPORATE SEAL of the Mayor Aldermen and Burgesses of the Borough of Rugby was hereunto affixed in the presence of

S. G. GIBSON
Mayor

T. L. DUFFY
Town Clerk

THIRD SCHEDULE

SECTIONS OF PUBLIC HEALTH ACT 1936 APPLIED

Section	Marginal note
288	Penalty for obstructing execution of Act.
296	Summary proceedings for offences.
297	Continuing offences and penalties.
299	Inclusion of several sums on one complaint etc.
304	Judges and justices not to be disqualified by liability to rates.
328	Powers of Act to be cumulative.

Table of Statutes referred to in this Act

Short title	Session and chapter
Oxford Canal Act 1829	10 Geo. 4 c. 48.
Lands Clauses Consolidation Act 1845 ...	8 & 9 Vict. c. 18.
Rugby Waterworks Act 1863	26 & 27 Vict. c. xxxiii.
Public Health Act 1875	38 & 39 Vict. c. 55.
Telegraph Act 1878	41 & 42 Vict. c. 76.
Rugby Water and Improvement Act 1901 ...	1 Edw. 7 c. cclxix.
Acquisition of Land (Assessment of Compensation) Act 1919	9 & 10 Geo. 5 c. 57.
Rugby Urban District Council Act 1923 ...	13 & 14 Geo. 5 c. lxxv.
Land Drainage Act 1930	20 & 21 Geo. 5 c. 44.
Local Government Act 1933	23 & 24 Geo. 5 c. 51.
Rugby Corporation Act 1933	23 & 24 Geo. 5 c. xli.
Public Health Act 1936	26 Geo. 5 & 1 Edw. 8 c. 49.
Coventry Corporation Act 1940	3 & 4 Geo. 6 c. xx.
Coventry Corporation Act 1942	5 & 6 Geo. 6 c. xvi.
Water Act 1945	8 & 9 Geo. 6 c. 42.
Supplies and Services (Transitional Powers) Act 1945	9 & 10 Geo. 6 c. 10.
Transport Act 1947	10 & 11 Geo. 6 c. 49.
Town and Country Planning Act 1947 ...	10 & 11 Geo. 6 c. 51.
Supplies and Services (Extended Purposes) Act 1947	10 & 11 Geo. 6 c. 55.
Lands Tribunal Act 1949	12 & 13 Geo. 6 c. 42.
Arbitration Act 1950	14 Geo. 6 c. 27.
Supplies and Services (Defence Purposes) Act 1951	14 & 15 Geo. 6 c. 25.
Rivers (Prevention of Pollution) Act 1951 ...	14 & 15 Geo. 6 c. 64.

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