

Waltham Holy Cross Urban District Council Act, 1958

6 & 7 ELIZ. 2 Ch. xxxvii

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CHAPTER xxxvii

An Act to empower the urban district council of Waltham Holy Cross to acquire lands and to provide for the extinguishment of common rights in or over Hall Marsh Waltham Marsh Cheshunt Marsh and Town Mead and for other purposes. [23rd July 1958.]

WHEREAS the urban district of Waltham Holy Cross (in this Act called "the district") is under the government of the urban district council of Waltham Holy Cross (in this Act called "the Council"):

And whereas there are situate in the district certain lands commonly known as Hall Marsh Waltham Marsh Cheshunt Marsh and Town Mead:

And whereas Hall Marsh Waltham Marsh Cheshunt Marsh and Town Mead comprising in all one hundred and ninety-seven acres or thereabouts are subject to common rights:

And whereas owing to the diversity of rights appertaining to the said lands it is expedient that the Council should be empowered to purchase the said lands:

And whereas it is expedient to make provision for the extinction of such common rights and certain other rights as may exist in relation to the said lands:

And whereas it is expedient that the said lands or part thereof should be made available for the recreation of the public under the control of the Council as provided by this Act:

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

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

And whereas in relation to the promotion of the Bill for this Act the requirements of Part XIII of the Local Government Act 1933 have been observed:

And whereas a plan showing the lands required or which may be taken for the purposes or under the powers of this Act and also a book of reference to that plan containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of those lands were duly deposited with the clerk of the county council of the administrative county of Essex and are hereinafter respectively referred to as the deposited plan and the deposited book of reference:

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 Waltham Holy Cross Urban District Council Act 1958.
- Division of Act into Parts. 2. This Act is divided into Parts as follows (that is to say) :—
Part I.—Preliminary.
Part II.—Lands.
Part III.—As to user of lands and extinguishment of rights.
Part IV.—Finance.
Part V.—Miscellaneous.
- Incorporation of Acts. 3. The Lands Clauses Acts (so far as the same are applicable for the purposes and are not inconsistent with the provisions of this Act) are hereby incorporated with this Act with the following exception and modification (namely):—
(a) Sections 127 to 132 of the Lands Clauses Consolidation Act 1845 are not incorporated with this Act;
(b) The bond required by section 85 of the Lands Clauses Consolidation Act 1845 shall be sufficient without the addition of the sureties mentioned in that section.
- Interpretation. 4.—(1) In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction.

- (2) In this Act unless the subject or context otherwise requires—
- “ the Act of 1933 ” means the Local Government Act 1933;
 - “ the Act of 1937 ” means the Waltham Holy Cross Urban District Council Act 1937;
 - “ the Cheshunt Marsh ” means the lands in the district which are numbered 2 3 and 8 on the deposited plan;
 - “ the common lands compensation fund ” means the fund referred to in section 67 (Common lands compensation fund) of the Act of 1937;
 - “ the clerk ” means the clerk of the Council and includes any person duly authorised to discharge temporarily the duties of that office;
 - “ the Council ” means the urban district council of the district;
 - “ the district ” means the urban district of Waltham Holy Cross;
 - “ the general rate fund ” and “ the general rate ” mean respectively the general rate fund and the general rate of the district;
 - “ Hall Marsh ” means the lands in the district which are numbered 7 and 9 on the deposited plan;
 - “ the Lands Clauses Acts ” means the Lands Clauses Acts as modified by the Acquisition of Land (Assessment of Compensation) Act 1919 by Part V of the Town and Country Planning Act 1947 by the Lands Tribunal Act 1949 by the Town and Country Planning Act 1954 and by this Act;
 - “ the marshes ” means Hall Marsh Waltham Marsh Cheshunt Marsh and Town Mead;
 - “ minerals ” includes turf loam peat sand gravel ballast shingle pebbles flint stone fuller’s-earth clay and chalk;
 - “ the Minister ” means the Minister of Housing and Local Government;
 - “ the Public Health Acts ” means the Public Health Act 1875 and the Acts amending and extending the same;
 - “ Town Mead ” means the lands in the district which are numbered 1 on the deposited plan;
 - “ Waltham Marsh ” means the lands in the district which are numbered 4 5 and 6 on the deposited plan;
 - “ the Waltham Marsh compensation fund ” means the sum of seven hundred pounds part of the compensation moneys referred to in the fifth and ninth recitals of the preamble to the Act of 1937 and includes the investments for the time being representing the same now standing in the names of Thomas Charles Gutteridge and Philip Arthur Pengelly as successors of the trustees referred to in the said fifth recital.

PART II

LANDS

Power to
acquire lands.

5.—(1) Subject to the provisions of this Act the Council may enter upon take and use all or any of the lands shown on the deposited plan and described in the deposited book of reference which they may require for the purposes of this Act:

Provided that the Council shall not under the powers of this section enter upon take or use any of the lands numbered 6 on the deposited plan belonging to the British Transport Commission except by agreement.

(2) Notwithstanding anything contained in sections 164 and 165 of the Act of 1933 the Council shall not except as provided by this Act dispose of any land acquired by them under this section otherwise than with the consent of the Minister and subject to any conditions which he may impose.

Period for
compulsory
purchase of
lands.

6. The powers of the Council for the compulsory purchase of lands under this Act shall cease after the expiration of three years from the first day of October nineteen hundred and fifty-eight.

Correction of
errors in
deposited plan
and book of
reference.

7.—(1) If any omission misstatement or wrong description of any land or of the owner lessee or occupier of any land is found to have been made on the deposited plan or in the deposited book of reference the Council after giving ten days' notice to the owner lessee and occupier of the land in question may apply to two justices having jurisdiction in the district 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 Essex and a copy thereof shall be deposited with the clerk and thereupon the deposited plan and the deposited book of reference shall be deemed to be corrected according to the certificate and it shall be lawful for the Council to take the land in accordance with the certificate.

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

Power to
expedite entry.

8. At any time after serving a notice to treat in respect of any land that may be acquired compulsorily under this Act but not less than one month after giving 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 Lands Clauses Consolidation Act 1845:

PART II
—cont.

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.

9. Any person acting on behalf of the Council and duly authorised by the clerk may at all reasonable times for the purpose of surveying or valuing land that the Council are authorised by this Act to acquire compulsorily enter that land:

Power to enter
for survey or
valuation.

Provided that no land shall be entered 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 in manner provided by section 285 of the Public Health Act 1936.

10.—(1) Any private right of way over any land that may be acquired compulsorily under this Act shall if the Council so resolve and give notice in writing of their resolution to the owner of the right be extinguished as from the acquisition of the land whether compulsorily or by agreement or as from the expiration of one month from the service of the notice whichever is the later.

Extinction of
private rights
of way.

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

PART III

AS TO USER OF LANDS AND EXTINGUISHMENT OF RIGHTS

11. As from the first day of January nineteen hundred and fifty-nine or on the date on which the Council acquire the lands shown on the deposited plan and described in the deposited book of reference or any part of such lands (whichever shall be the later) all common commonable or other rights on or over the marshes or any part of such lands as are shown on the deposited plan and described in the deposited book of reference shall be and are hereby respectively extinguished:

Extinguish-
ment of
common
rights over
certain lands.

Provided that nothing in this section shall be deemed to extinguish any common commonable or other right on or over any part of the marshes before that part shall have been acquired by the Council.

PART III
—cont.Compensation
for rights
extinguished.

12.—(1) The Council shall pay or make compensation in accordance with the provisions hereinafter contained for the common or other rights extinguished by this Act to the persons who—

- (a) shall within six months after the passing of this Act deliver to the Council a claim in writing to such compensation; and
- (b) are entitled to the fee simple of the hereditaments to which such rights are appurtenant or appendant.

(2) If the Council shall dispute the right of any person to compensation under subsection (1) of this section such dispute shall be settled by the Lands Tribunal.

(3) The compensation to be paid by the Council under subsection (1) of this section shall be settled in manner provided by the Lands Clauses Acts:

Provided that the Council may by resolution passed within one month from the date of the expiration of the period within which claims for compensation are to be delivered to them under subsection (1) of this section determine that all questions of compensation arising under this section shall be settled in accordance with subsection (4) of this section.

(4) If the Council pass the resolution referred to in subsection (3) of this section the following provisions shall have effect with respect to compensation for rights extinguished by this Act (namely):—

- (a) the Council shall within six weeks from the date of the expiration of the period within which claims for compensation are to be delivered to them under subsection (1) of this section convene a meeting of the persons who have rights to such compensation and have delivered such claims in the same manner as if the rights extinguished by this Act were commonable rights within the meaning of section 102 of the Lands Clauses Consolidation Act 1845;
- (b) such meeting shall proceed to the appointment of a committee in manner provided by section 103 of the Lands Clauses Consolidation Act 1845 and in the event of such committee and the Council being unable to agree upon a sum of money or other compensation to represent the value of the rights extinguished by this Act the question shall be determined and compensation shall be paid in manner provided by sections 99 and 101 to 107 inclusive of the Lands Clauses Consolidation Act 1845 for the determination and payment of compensation for the commonable and other rights referred to in those sections.

13.—(1) Upon the final determination of the compensation (if any) payable in respect of any common rights extinguished by this Act or the date of such extinguishment (whichever shall be the later) the office of marsh warden shall lapse and no further appointment to such office shall be made by the court leet of the manor of Waltham Holy Cross.

PART III
—cont.
Office of
marsh warden
to be
abolished.

(2) On the date mentioned in subsection (1) of this section all moneys books maps and other records held by or on behalf of the marsh wardens in relation to the marshes shall be and the same are hereby vested in the Council.

(3) All rents rates and charges and other sums and debts at the date mentioned in subsection (1) of this section due and payable or accruing due and payable to the marsh wardens in relation to the marshes shall be payable to and without prejudice to any other rights of the Council in respect thereof may be collected recovered and enforced by the Council in the same manner in all respects as they might have been collected recovered and enforced by the marsh wardens if this Act had not been passed.

(4) The Council shall take over bear pay and discharge and indemnify the marsh wardens against all debts and liabilities of the marsh wardens in relation to the marshes which are outstanding at the date mentioned in subsection (1) of this section.

14.—(1) The marshes (except any part or parts thereof closed to the public under the authority of this Act) shall be deemed to be public parks or pleasure grounds or lands acquired by the Council for the purpose of boating cricket football tennis bowls golf race meetings air shows or visits camping horse riding and athletic sports or other games and recreations or partly the one or partly the other as the Council may from time to time determine and the Council may exercise in regard thereto respectively the powers conferred upon them by the Public Health Acts (other than the power of making byelaws conferred by section 164 of the Public Health Act 1875) in respect of public parks and pleasure grounds:

Use of lands
as pleasure
grounds.

Provided that the Council may at any time (in addition to any powers conferred upon them by this Act) with the consent of the Minister (after holding a public inquiry if he thinks fit) and subject to such conditions (if any) as he may impose appropriate any part or parts of the said lands for purposes other than the purposes hereinbefore referred to.

(2) The provisions of subsections (2) to (5) of section 290 of the Act of 1933 shall apply to an inquiry held by the Minister under this section.

PART III
—cont.

Power to lease
or otherwise
deal with
parts of the
marshes.

15. The Council shall have the following powers in relation to the marshes:—

- (1) The Council may lease such part or parts of the marshes as may be necessary for the purpose of erecting and maintaining enclosures stands and other buildings booths tents and stalls in connection with any purpose for which the marshes may be used under the powers conferred by this Act or the Council may themselves erect and maintain such enclosures stands buildings booths tents or stalls and may also erect and maintain keepers' and caretakers' houses:
- (2) The Council may let any part of the marshes not exceeding fifty acres for a period not exceeding six weeks in any year for the purposes of circuses and other public entertainments:
- (3) The Council may set apart or let for such periods not exceeding three months in any year as they may think fit any part of the marshes not exceeding one hundred acres for the purpose of holding fairs agricultural horticultural and other shows and for such periods not exceeding one year as they may think fit for boating camping grounds athletic sports cricket football tennis bowls golf and other games race meetings horse riding and other like purposes and may make agreements as to the control and maintenance of the parts so set apart subject as hereinafter mentioned:
- (4) The Council may lay out golf courses upon the marshes and may pay such sum as they think proper to any person or persons who may lay out a golf course thereon and the Council may make such charges as they think fit for the playing of golf upon such course or courses and may let any such course or courses for such periods not exceeding three years as the Council may think fit:

Provided that if the Council lay out such a course or make a payment in respect of the laying out of any course the public shall be entitled (subject to such regulations as may be made by the Council) to use the course laid out or in respect of which the Council shall have made such payment on payment of such reasonable charges as the Council may prescribe:

- (5) The Council may let the rights of winning working getting carrying away and disposing of minerals in on or under any part of Town Mead or may grant licences therefor to any person on such terms and conditions as the Council think fit:

- (6) The Council may subject to the provisions of this Act close to the public any part of the marshes let or in respect of which a licence has been granted under this section during the period of the letting or licence:

Provided that with respect to any parts of the marshes set apart or let for the purpose of playing games such fences only shall be erected as shall be reasonably necessary for the protection of such parts for the purposes for which they are so set apart or let:

- (7) The Council or their lessees tenants or licensees may make charges for admission to any part of the marshes closed to the public under this Act:
- (8) The Council may let the marshes for the grazing of cattle horses or sheep and they may fence off or otherwise enclose the whole or any part or parts so let so as to prevent the straying of cattle but not so as to prevent the access thereto of the public and they may make such charge as they think fit for each head of cattle horses or sheep so grazed:
- (9) The Council shall ensure that at all times there shall be not less than fifty acres in the aggregate of the marshes in respect of which the powers conferred by paragraphs (1) to (6) of this section are not being exercised.

16.—(1) Subject to the provisions of this Act the Council may make byelaws for any of the following purposes relating to such part of the marshes as may be for the time being available to the public for the purposes referred to in section 14 (Use of lands as pleasure grounds) of this Act (that is to say):—

Power to make
byelaws.

- (a) for preventing fires and nuisances and for preserving order;
- (b) for preventing bird catching bird trapping and taking birds' eggs or nests and for preventing or regulating the killing taking injuring shooting chasing or disturbance of animals or birds and for preventing or regulating the setting of traps nets snares or other engines for any of those purposes;
- (c) for preventing persons other than persons entitled so to do under the provisions of this Act from turning out or permitting horses cattle sheep or other animals to graze or feed upon the marshes and for removing therefrom any horses cattle sheep or other animals so turned

PART III
—cont.

- out or permitted to graze or feed and to regulate the grazing of horses cattle sheep and other animals upon the marshes;
- (d) for prohibiting the landing drawing driving or placing upon the marshes or any part thereof without lawful authority of any aircraft except in the case of accident or other sufficient cause;
 - (e) for prohibiting or regulating the flying of power-driven model aircraft;
 - (f) for preventing or regulating the firing or discharge of firearms or the throwing or discharge of missiles;
 - (g) for preventing the digging or taking of turf loam stone sand gravel or other substances;
 - (h) for preventing the injuring cutting or felling of ferns gorse timber or other trees shrubs brushwood or other plants;
 - (i) for preventing injury to or the defacement or removal of seats fences barriers or other things put up by the Council and the disfigurement of seats fences barriers buildings or trees by posting or painting bills placards or notices thereon or otherwise;
 - (j) for preventing or regulating the deposit upon any part of the marshes of any rubbish manure or other substance;
 - (k) for regulating the playing of games and preventing the racing of horses or other animals except by the lessees tenants and licensees of the Council;
 - (l) for prohibiting or regulating bathing or fishing in any pond or stream;
 - (m) for regulating the use of the parts of the marshes upon which persons may play games hold athletic sports exercise or train horses or hold meetings or shows and for prohibiting the use for the purposes aforesaid of other parts of the marshes:

Provided that the Council shall not make byelaws under paragraph (g) of this subsection for preventing the digging or taking of stone sand or gravel from Hall Marsh Waltham Marsh or Cheshunt Marsh.

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

PART IV

FINANCE

17.—(1) The Council shall have power in addition and without Power to
prejudice to their powers of borrowing under the Act of 1933 borrow.
from time to time to borrow—

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

(2) The Council shall pay off all moneys borrowed under paragraph (b) of the foregoing subsection within such period as the Council may determine not exceeding five years from the passing of this Act.

(3) The provisions of Part IX of the Act of 1933 so far as they are not inconsistent with this Act shall extend and apply to money borrowed under this section as if it were borrowed under Part IX of that Act and the period fixed for the repayment of any money borrowed under this section shall as respects that money be the fixed period for the purpose of the said Part IX.

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

19. Subject to the provisions of section 20 (Transfer of Waltham Marsh compensation fund to Council) of this Act any expenses incurred by the Council in connection with the lands acquired under the powers of this Act shall be charged to and upon the general rate fund and the general rate. Expenses in connection with lands acquired.

20.—(1) As from the first day of January nineteen hundred and fifty-nine the Waltham Marsh compensation fund shall be and the same is hereby transferred to and vested in the Council free and discharged from all trusts concerning or affecting the same and thereupon it shall form part of the common lands compensation fund. Transfer of Waltham Marsh compensation fund to Council.

(2) Notwithstanding anything contained in subsection (3) of section 67 (Common lands compensation fund) of the Act of 1937 the Council may without the consent of the Minister apply

PART IV
—cont.

the whole or any part of the common lands compensation fund to all or any of the following purposes (namely):—

- (a) the payment of the costs charges and expenses of this Act;
- (b) the payment of any compensation payable by them under this Act; and
- (c) the development laying out drainage or improvement of any lands acquired by them under this Act.

PART V

MISCELLANEOUS

Saving for
town and
country
planning.

21. 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.

For
protection of
British
Transport
Commission.

22. For the protection of the British Transport Commission (in this section referred to as "the commission") notwithstanding any of the provisions of this Act the following provisions shall unless otherwise agreed in writing between the commission and the Council apply and have effect:—

- (1) Before laying out or setting apart or permitting to be laid out or set apart any part of Waltham Marsh or Cheshunt Marsh in accordance with a determination under section 14 (Use of lands as pleasure grounds) of this Act for any of the purposes specified in the said section or before exercising the powers of section 15 (Power to lease or otherwise deal with parts of the marshes) of this Act in respect of any part of Waltham Marsh or Cheshunt Marsh the Council shall erect adequate fencing of such type and in such position as may be agreed between the Council and the commission or failing agreement as may be determined by arbitration to be reasonably necessary for the prevention of damage to and for the protection of the commission's river Lea navigation and the banks thereof by reason of such determination of the Council under the said section 14 or the exercise by the Council of the powers of the said section 15:
- (2) If at any time after the laying out or setting apart of any part of Waltham Marsh or Cheshunt Marsh for any of the purposes specified in the said section 14 or at any time after the exercise of the powers of the said section 15 in respect of any part of Waltham Marsh or Cheshunt

Marsh the commission shall be of opinion that any part of their river Lea navigation which has not been fenced off in accordance with the provisions of paragraph (1) of this section should be so fenced off they may serve a notice in writing upon the Council specifying particulars of the fencing they consider to be necessary to satisfy the requirements of paragraph (1) of this section whereupon the Council shall erect such fencing (if any) as may be agreed between the Council and the commission or in default of agreement as may be determined by arbitration:

- (3) Any fencing erected by the Council in accordance with the provisions of this section shall (by and at the cost of the Council) be kept in a good and sufficient state of repair and from time to time renewed to the reasonable satisfaction of the commission:
- (4) Nothing in paragraph (5) of the said section 15 shall entitle the Council or any other person to cause damage to or in any way withdraw support from any part of the commission's river Lea navigation:
- (5) Where under this section any dispute or difference arising between the Council and the commission is required to be referred to arbitration the reference shall be to a single arbitrator to be agreed upon between the parties or failing agreement to be appointed upon the application of either party (after notice in writing to the other) by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1950 shall apply to any such reference.

23.—(1) For the protection of the county council of Essex the following provisions of this section shall unless otherwise agreed in writing between the Council and the said county council apply and have effect.

For
protection of
county
council of
Essex.

(2) In this section "the signed plan A" means the plan marked "A" and signed in duplicate by Henry James Chapman on behalf of the Council and by Christian Berridge on behalf of the said county council one copy of which has been retained by the Council and one by the said county council.

(3) Nothing in this Act shall constitute as development which is permitted by or under any order made under section 13 of the Town and Country Planning Act 1947—

- (a) the formation laying out or alteration of any means of access from the marshes to a road used by vehicular traffic;

PART V
—cont.

- (b) the working of the marshes or any part or parts thereof for the winning of minerals or the erection alteration or extension thereon of any plant or machinery or structure or erection in the nature of plant or machinery required in connection with such winning or working or with the treatment or disposal of such minerals;
- (c) any development on that part of Town Mead which lies to the south of the red line shown on the signed plan A;
- (d) any development of the marshes or any part or parts thereof by the carrying out of building operations or for the purposes of or in connection with their use for the racing of dogs horses cars or other mechanically propelled vehicles or for camping:

Provided that for the purpose of paragraph (d) of this subsection the expression "camping" shall not include camping in tents or caravans by members of an organisation which holds a certificate of exemption granted by the Minister under section 269 of the Public Health Act 1936 or camping which is incidental to circuses fairs or other like public entertainments held with lawful authority on the marshes.

For
protection of
Eastern
Electricity
Board.

24. For the protection of the Eastern Electricity 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) Notwithstanding anything in this Act or shown on the deposited plan the Council shall not acquire otherwise than by agreement any apparatus:
- (2) If the Council in exercise of the powers of this Act acquire any interest in any lands in under over or across which any apparatus is placed they shall not seek to remove that apparatus or to extinguish any right of the board to maintain repair renew or inspect that apparatus in under over or across those lands until adequate alternative apparatus shall have been constructed and be in operation to the reasonable satisfaction of the board:
- (3) If the Council for the purpose of exercising the powers of this Act require the removal of any apparatus and give to the board written notice of such requirement or if in consequence of the exercise of the powers of this Act the board shall require to remove any apparatus the Council shall afford to the board the necessary facilities and rights for the construction of adequate

alternative apparatus in on or over other land of the Council and thereafter for the maintenance repair renewal and inspection of such apparatus:

PART V
--cont.

Provided that if the Council are unable to afford facilities and rights as aforesaid the board shall on receipt of a written notice to that effect from the Council forthwith use their best endeavours to obtain the necessary facilities and rights over other land:

- (4) The Council shall pay to the board the amount by which the costs charges and expenses reasonably incurred by the board in connection with any removal or alteration of any apparatus or the construction of any new apparatus that may be required in consequence of the exercise of the powers of this Act shall exceed the value of any apparatus removed in consequence of alternative apparatus being provided and shall also make compensation to the board for any damage caused to any apparatus in consequence of the exercise of the said powers:
- (5) Any difference which may arise between the Council and the board under this section shall be referred to and determined by arbitration:
- (6) In this section "apparatus" means any electric lines and works (as respectively defined in the Electric Lighting Act 1882) belonging to the board and the expression "adequate alternative apparatus" means alternative apparatus adequate to enable the board to fulfil their statutory functions in a manner not less efficient than previously.

25. For the protection of the lord of the manor of Waltham Holy Cross or other the owner for the time being of the minerals under Hall Marsh Waltham Marsh and Cheshunt Marsh (who are collectively and severally in this section referred to as "the mineral owners") the following provisions shall unless otherwise agreed in writing between the mineral owners and the Council apply and have effect:—

For protection of lord of the manor of Waltham Holy Cross or other the owner of the minerals under Hall Marsh Waltham Marsh or Cheshunt Marsh.

- (1) Notwithstanding anything in section 5 (Power to acquire lands) of this Act the Council shall not acquire the minerals in on or under Hall Marsh Waltham Marsh or Cheshunt Marsh (which said marshes are in this section referred to as "the three marshes"):
- (2) Notwithstanding anything in this Act it shall be lawful for the mineral owners to exercise such rights of winning working getting carrying away and disposing of the minerals in on or under the three marshes as the mineral

PART V
—cont.

owners would have been entitled to exercise if this Act had not been passed and to sell or let such minerals or the right to win work get carry away and dispose of the same:

- (3) Notwithstanding anything in this Act but subject to the provisions of subsection (3) of section 23 (For protection of county council of Essex) of this Act the mineral owners may at any time within a period of thirty years from the passing of this Act enter upon and use the three marshes with or without vehicles plant and installations for the purpose of winning working getting carrying away and disposing of the minerals therein thereon or thereunder and may construct and use such roads or other means of access thereon or thereto as may be necessary for that purpose and may in the performance of that purpose let down the surface of the three marshes or any of them and subject as hereinafter in this section provided close to the public any part of the three marshes or any of them:

Provided that the mineral owners shall not at any one time enter upon and use or close to the public any part of the three marshes in excess of fifty acres and shall when the minerals thereunder have been won worked got and carried away restore the level of the ground and return it to grazing use:

- (4) The lord of the manor of Waltham Holy Cross shall not claim compensation in respect of the acquisition by the Council of the minerals in on or under Town Mead nor in respect of the acquisition by the Council of the surface of the three marshes.

As to use of
lands in
occupation of
Stanley E.
Hall Limited.

26. Nothing in this Act shall prevent the use of the lands numbered 4 on the deposited plan as a timber yard and wharf and the Council may lease such lands for the purpose of such use.

Costs of Act.

27. The costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Council out of the general rate fund and the general rate or out of moneys to be borrowed or applied under this Act for that purpose.

Table of Statutes referred to in this Act

Short title	Session and chapter
Lands Clauses Consolidation Act 1845 ...	8 & 9 Vict. c. 18.
Public Health Act 1875	38 & 39 Vict. c. 55.
Electric Lighting Act 1882	45 & 46 Vict. c. 56.
Acquisition of Land (Assessment of Com- pensation) Act 1919	9 & 10 Geo. 5 c. 57.
Local Government Act 1933	23 & 24 Geo. 5 c. 51.
Public Health Act 1936	26 Geo. 5 & 1 Edw. 8 c. 49.
Waltham Holy Cross Urban District Council Act 1937	1 Edw. 8 & 1 Geo. 6 c. xlvi.
Borrowing (Control and Guarantees) Act 1946	9 & 10 Geo. 6 c. 58.
Town and Country Planning Act 1947 ...	10 & 11 Geo. 6 c. 51.
Lands Tribunal Act 1949	12 13 & 14 Geo. 6 c. 42.
Arbitration Act 1950	14 Geo. 6 c. 27.
Town and Country Planning Act 1954 ...	2 & 3 Eliz. 2 c. 72.

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